

7 NOVEMBER 1946

I N D E X
of
"WITNESSES
(none)

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Fros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
339A(3) 1046			Telegram from MATSUOKA to SHIGEMITSU dated 18 February 1941	9811	
1339A(8) 1047			Lett r dated 21 February 1941 Craigie to MATSUOKA	9816	
1592A 1048			Telegram from SHIGEMITSU to Foreign Minister MATSUOKA dated 24 February 1941	9818	
702A 1049			Interchange of communications between the Japanese Foreign Office and the British re mutual relations, dated 24 February 1941	9821	
1592B 1050			Telegram No. 4840 dated 25 February 1941 from OSHIMA to MATSUOKA	9826	
1592C 1051			Telegram No. 4956 dated 25 February 1941 from SHIGEMITSU in London to MATSUOKA	9828	

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220 C(12)	1052		Excerpt from a telegram from Mr. Grew to Secretary of State dated 27 February 1941		9833
13394(7)	1053		Japan's Proposal by SHIGEMITSU to Churchill dated 27 February 1941		9835
1593-A	1054		Telegram No. 6915 dated 4 March 1941 from MATSUOKA to NOMURA the Ambassador in Washington		9838
25304	1055		Newspaper announcement re the New Mobilization Law dated 8 March 1941		9841
220 C(20)	1056		Excerpt from a memorandum of Secretary of State Hull dated 8 March 1941		9843
220 C(22)	1057		Excerpts from a Memorandum of the Secretary of State dated 14 March 1941		9847
1632W(48)	1058		Excerpt from Marquis KIDO's Diary dated 3 April 1941		9850
220 C(23)	1059		Proposal presented by the Department of State in Japan at a meeting of Private Japanese and American individuals on 9 April 1941		9851
220 C(24)	1060		Excerpt from memorandum from Secretary of State Hull dated 14 April 1941		9863

I N D E X
of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
220 C(25)	1061		Excerpt of Secretary of State Hull dated 16 April 1941		9866
1339A(9)	1062		Letter from Churchill to MATSUOKA dated 12 April 1941 handed to MATSUOKA at Moscow		9868
1339A(10)	1063		Telegram from MATSUOKA to Churchill dated 22 April 1941		9871
219P(73)	1064		Excerpt from Statement by Ambassador Grew to Acting Foreign Minister KONOYE, Tokyo, dated 4 April 1941		9873
16327(49)	1065		Entry in KIDO's Diary dated 19 April 1941		9875
16327(50)	1066		Entry in KIDO's Diary dated 28 April 1941		9876
2529A	1067		Offer of the Japanese Policy to Increase the Population to 100,000,000 by 1945		9878
4059A	1068		Telegram from Ott to Ribbentrop dated 6 May 1941		9883
219P(74)	1069		Excerpt from Communication of Ambassador Grew to MATSUOKA dated 6 May 1941		9890
220 C(26)	1070		Draft Proposal handed by the Japanese Ambassador NOMURA to the Secretary of State dated 12 May 1941		9891

INDEX

of

EXHIBITS

(cont'd)

<u>Doc.</u>	<u>Pros.</u>	<u>Def.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
220 C(27)	1071		Draft Suggestion from the Secretary of State to the Japanese Ambassador on 16 May 1941		9904
219P(75)	1072		Excerpt from Statement of Mr. Grew to MATSUOKA dated 17 May 1941		9908
4060A	1073		Telegram from Ott to Ribbentrop dated 18 May 1941		9909
220 C(18)	1074		Excerpt from a Summary of Conversations between U. S. and Japan in 1941		9914
1383B(18)	1075		Telegram from OSHIMA to MATSUOKA dated 20 May 1941		9918
1383B(20)	1076		Telegram from OSHIMA to Foreign Minister MATSUOKA dated 21 May 1941		9933
220 C(28)	1077		Excerpt from Memorandum of Conversation between Ambassador Morris and the Secretary of State dated 28 May 1941		9934
220 C(29)	1078		American Draft of Proposal dated 31 May 1941 handed to Ambassador OSHIMA		9937
220 C(30)	1079		American Statement handed to Ambassador NOMURA dated 31 May 1941		9947

I N D E X
of
EXHIBITS
(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
220 C(31)	1080		Informal Oral Statement to NOMURA by Secretary of State dated 31 May 1941		9960
220 C(32)	1081		Excerpt from Memorandum of Secretary of State Hull dated 2 June 1941		9961
219P(76)	1082		Excerpt from Statement from Mr. Grew to MATSUOKA dated 4 June 1941		9963
220 C(33)	1083		Excerpt from Memorandum of Conversation between Secretary of State and Japanese Ambassador dated 4 June 1941		9964
1632W(51)	1084		Entry in KIDO's Diary of 6 June 1941		9979
220 C(34)	1085		Informal Statement handed by Secretary of State Hull to NOMURA 6 June 1941		9982

Thursday, 7 November, 1946

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, same as before with the
exception of the HONORABLE R. B. PAL, Member from
India, not sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -
(English to Japanese and Japanese
to English Interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: All the accused are present
4 except OKAWA, HIRANUMA, and MATSUI, who are repre-
5 sented by their respective counsel. We have cer-
6 tificates from the prison surgeon at Sugamo certify-
7 ing that MATSUI and HIRANUMA are unable to attend
8 the trial today on account of illness. The certifi-
9 cate will be recorded and filed.

10 Major Moore.

11 LANGUAGE ARBITER (Major Moore): If the
12 Tribunal please, referring to document No. 1444,
13 exhibit No. 919, page 1, the recprd page 9261, line
14 15, we recommend that the words, "Liaison Conference
15 Decision Plan," be corrected to read, "Liaison
16 Conference Decision, Draft."

17 THE PRESIDENT: The correction will be made.

18 Mr. Higgins.

19 MR. HIGGINS: If the Tribunal please, we offer
20 in evidence I. P. S. document No. 1339A(3), which is
21 a telegram dated February 18, 1941, from MATSUOKA to
22 SHIGEMITSU.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1339A(3) will receive exhibit No. 1046.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1046 and received in evidence.)

4 MR. HIGGINS: I read prosecution's exhibit
5 No. 1046:

6 "CABLE #51 DESPATCHED 8:00 P.M. FEB. 18,
7 1941, BY FOREIGN MINISTER MATSUOKA TO AMBASSADOR
8 SHIGEMITSU ON INTERVIEW BETWEEN FOREIGN MINISTER AND
9 CRAIGIE REGARDING CABLE #47.

"Craigie, on the 15th, called upon me with
a note containing the purport of your cable No. 78
and a summary of the discussions between you and Eden.
I told Craigie on this occasion that I had already re-
ceived from you a detailed report concerning this
question, and that in response thereto I had requested
you to lay my note before Foreign Secretary Eden and
handed him a copy of my cable #47. I then pointed
out to Craigie that there seemed to be an over-anxiety
on the part of Britain about the orientation of Japan's
policy, that various reports were reaching us that
Britain and the United States had taken up a combined
action against Japan, that this was inciting Japan's
public opinion, causing doubt and fear and giving
rise to the arguments in some quarters that Japan
must take some counter-measures to meet this situa-

tion, and this would lead to misunderstanding on both
1 sides. I further told Craigie that so long as they
2 refrained from taking any such provocative attitude
3 against us we would under no circumstances initiate
4 action that would lead to anxiety on the part of
5 Britain and the United States, that misunderstandings
6 by either party are the most dangerous factors, and
7 that we wished to do everything possible to eliminate
8 them, and urged that England reconsider. I also ex-
9 plained to him that the major object of the Tripartite
10 Pact was the limitation of the warfare in Europe and
11 encouragement of a peaceful settlement. Also under
12 strict secrecy I made it clear to him that, at the
13 moment of signing of the pact Germany had stressed
14 her desire to avoid provoking the United States and
15 especially to avert Japanese-American hostilities as
16 far as possible. Negotiations for the pact were car-
17 ried out on the basis of the above. I told him that
18 I myself did not doubt Germany's real intention that
19 the above seemed to me to be consistent with her real
20 interest, but that Japan's policy also was based on
21 this, and that she would continue to act along this
22 course.

24 "Craigie then, in response, questioned
25 whether I could check the so-called southward march

of Japan, views on which were so active at the moment in Japan. Further, Craigie raised a query as to whether Japan did not expect exorbitant compensation for her role as a mediator of the Siam-French Indo-China conflict. I assured him as to Japan's southward advance that I would try to check it to the best of my ability, but as for the Siam-French Indo-China affairs I preferred to indicate Japan's real intentions by actual fact rather than by making excuses in words, and further, that as far as I myself was concerned, the greatest reward was the restoration of peace, with which I would be satisfied. I told him I believed that this was the first step toward realizing world peace which was Japan's ideal since the beginning of the nation; and I explained to him in detail Japan's policy. I added that since there exists a close intimacy between the Foreign Secretary and myself since our days in Geneva I had expressed my views outspokenly in my memorandum addressed to him, but in regard to that part which concerns arbitration for European peace, this had nothing to do with Germany and Italy, and that I had merely stated the belief which I've always held. The conversation between Craigie and myself lasted for about two hours, and he seemed quite relieved when he left.

"Wired to U.S.A."

1 We now offer in evidence I. P. S. document
2 No. 1339A(8), which is a letter from Craigie to
3 Foreign Minister dated February 21, 1941.

4 THE PRESIDENT: Admitted on the usual terms.

5 MR. LOGAN: If the Tribunal please, this
6 communication refers to an alleged misquotation in
7 the Japanese press. The document to which it refers
8 is a communique issued by the Thai Government on the
9 13th of February, 1941. This alleged mistake in the
10 Japanese press certainly can have no probative value
11 with respect to the charges in the Indictment, and
12 no accusation that any of these accused were re-
13 sponsible for the appearance in the Japanese press
14 of their interpretation of that document.

15 THE PRESIDENT: I notice it is regarded as
16 a deliberate misquotation.

17 MR. HIGGINS: Yes.

18 THE PRESIDENT: It is not an ordinary mis-
19 apprehension or mistake.

20 Major Furness.

21 MR. FURNESS: If the Court please, referring
22 to exhibit 1046, there was a reference to the hand-
23 ing to Craigie of MATSUOKA's cable No. 47. This
24 same cable is referred to in exhibit 1041, a telegram
25 from Foreign Minister MATSUOKA to Ambassador

1 SHIGEMITSU. I would like to ask whether that tele-
2 gram No. 47 is in any of the papers which have been
3 introduced into evidence.

4 THE PRESIDENT: You should know, Mr. Furness.

5 MR. FURNESS: What is that?

6 THE PRESIDENT: You should know, and so should
7 I. I do not recollect it. I think 49 is in.

8 MR. FURNESS: I know no particular paper
9 which is referred to as telegram 47. I thought,
10 though, that some of the other messages which haven't
11 any telegram number, might be that particular document;
12 and if so, I would like to know which document, and
13 I should think it would help the Tribunal since they
14 would know what the two men were talking about in
15 their conversation.

16 THE PRESIDENT: Well, now, you should not
17 interpose to ask whether a document is in. You
18 should know, and the Tribunal can be left to say
19 whether they want to see a document or not. Is the
20 document in, Mr. Higgins? I do not recollect it.
21 I recollect 49.⁹

22 MR. HIGGINS: Mr. Hardin says he is not
23 certain. It is his impression that 47 is in. He
24 may have it confused with 49. That will be checked
25 and reported.

CLERK OF THE COURT: Prosecution's document No. 1339A(8) will receive exhibit No. 1047.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1047 and received in evidence.)

MR. HIGGINS: I read prosecution's exhibit No. 1047.

THE PRESIDENT: I should expressly state that the objection to the last document tendered on the ground that it has no probative value is overruled for the reason I gave, that it imports something sinister.

MR. HIGGINS: I read prosecution's exhibit No. 1047:

"BRITISH EMBASSY.

"TOKYO

"21st February, 1941

"My dear Minister,

"With reference to our conversation of yesterday in regard to the presence of British troops near the Malayan-Thai frontier, I send you the text of a reassuring communique issued by the Thai Government of the 13th instant. You will see from this that that Government is not in any way apprehensive in regard to the precautionary measures taken in Malay.

1 "I am sorry to say that this communique was
2 distorted when published in the Japanese press. In-
3 stead of the words 'both countries still respect the
4 Treaty and pact on non-aggression concluded between
5 one another', the version given in the Japanese press
6 states 'Great Britain should respect the Non-Aggression
7 Treaty which she concluded with Thailand'. This can
8 only have been a deliberate misquotation, which I
9 am sure you will agree is very regrettable in present
10 circumstances.

11 "Believe me

12 "my dear Minister,

13 "Yours very sincerely,

14 "(Sd) R. H. Craigie."

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1 We have a series of I. P. S. documents
2 numbered 1592A, B and C, taken from the Japanese
3 foreign office and separately authenticated.

4 We now wish to offer in evidence I. P. S.
5 document No. 1592A, which is a telegram No. 4808,
6 dated February 24, 1941, from SHIGEMITSU to MATSUOKA.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1592A will receive exhibit No. 1048.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 1048 and received in evidence.)

13 MR. HIGGINS: I read prosecution's exhibit
14 No. 1048:

15 "Copy of telegram No. 4808.

16 "Nature of telegram: Code

17 "Date: Dispatched: 24 February, Showa,
18 16/1941/PM. Received: 25 February, Showa 16/1941/PM.

19 "TO: FOREIGN MINISTER MATSUOKA.

20 "FROM: SHIGEMITSU, JAPANESE AMBASSADOR IN
21 LONDON.

22 "No. 135.

23 "At the request of Premier Churchill, I
24 had a talk with him for about an hour at noon on
25 the 24th. At that time the Premier spoke in

1 connection with the matter of Anglo-Japanese relations
2 with which he had been personally concerned. He
3 went into detail in speaking of the situations from
4 the time of the conclusion of the Anglo-Japanese
5 Alliance through the Russo-Japanese War and up to
6 the World War and he expressed how much he desired
7 to keep a friendly relationship with Japan."

8 THE PRESIDENT: "He went into detail."

9 MR. HIGGINS (Reading continued): "Then,
10 as the second point, he expressed deep regret re-
11 garding the present Anglo-Japanese relation which
12 is gradually getting worse; if a clash should occur
13 between the two nations it would indeed be a tragedy.
14 He emphasized that the defense works undertaken in
15 the area with Singapore as its center were merely
16 for the protection and control of the area and that
17 Britain had never taken any policy such as to resort
18 to an offensive against Japan. As the third point,
19 he emphasized that the British had a firm resolu-
20 tion for the prosecution of the war. He went so far
21 as to say that if what Britain believes to be
22 justice should fail to gain the victory, Britain
23 had better go to ruin. He said he had been thinking
24 that this was not at all an easy war as people in
25 general thought and that it would by no means come

1 to an end this year. He, however, believes that the
2 war will certainly be brought to an end with victory
3 on the part of Britain. Therefore, he said that the
4 question of mediation which Mr. MATSUOKA mentioned
5 would not arise. In connection with the cordial
6 message which Foreign Minister MATSUOKA sent to
7 British Foreign Minister Eden, Premier Churchill
8 has given me the note of another telegram No. 136,
9 asking me to tell you that since Eden is away he
10 himself has written you the outline of the talk we
11 had today. The questions and answers in the talk
12 will be sent afterwards by cable.

13 "THIS TELEGRAM ALONE HAS BEEN SENT TO THE
14 UNITED STATES."

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1 MR. HIGGINS: We offer in evidence I. P. S.
2 document No. 702A, a document taken from the
3 Japanese Foreign Office duly authenticated. It
4 is an interchange of communications between the
5 Japanese Foreign Office and the British on mutual
6 relations and it is dated February 24, 1941.

7 THE PRESIDENT: Admitted on the usual
8 terms

9 CLERK OF THE COURT: Prosecution's document
10 No. 702A will receive exhibit No. 1049.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1049 and received in evidence.)

14 MR. HIGGINS: I read prosecution's exhibit
15 No. 1049:

16 "INTERCHANGE BETWEEN JAPANESE FOREIGN
17 OFFICE AND BRITISH ON MUTUAL RELATIONSHIPS.

18 "Note from Japanese Minister for Foreign
19 Affairs containing message to his Britannic Majesty's
20 Secretary of State for Foreign Affairs has been
21 laid before Prime Minister.

22 "Prime Minister is gratified to observe
23 that Monsieur MATSUOKA sees no reason to apprehend
24 any untoward developments in East Asia, and notes
25 with satisfaction his assurance about peaceful

9,823

9,822

1 intentions of Japanese Government.
2 "Since Monsieur MATSUOKA, for his part,
3 makes reference to 'movements of British and American
4 Governments in their attempt to expedite and enlarge
5 warlike preparations', Prime Minister would allow
6 himself to offer certain observations which he hopes
7 may remove any misunderstanding of position of H. M.'s
8 Government.

9 "There is no question of H. M.'s Government
10 making any attack upon or committing any act of
11 aggression against Japan; and Prime Minister is
12 sure that this also represents intentions of United
13 States, though of course he cannot claim to speak
14 for them. All preparations which are being made in
15 Oriental Regions by Great Britain and United States
16 are of a purely defensive character. Incidentally,
17 Prime Minister would wish to assure Monsieur MATSUOKA
18 that concern which Mr. Eden expressed to Japanese
19 Ambassador was not based exclusively on reports
20 from H. M.'s Ambassador in Tokyo, but on the course
21 of events in Far East and on a study of the speeches
22 of Japanese Minister for Foreign Affairs himself.

23
24 "Turning now to the war in progress in
25 Europe between Great Britain and Germany it will be
within Monsieur MATSUOKA's recollection that, before

1 intentions of Japanese Government.

2 "Since Monsieur MATSUOKA, for his part,
3 makes reference to 'movements of British and American
4 Governments in their attempt to expedite and enlarge
5 warlike preparations', Prime Minister would allow
6 himself to offer certain observations which he hopes
7 may remove any misunderstanding of position of H. M.'s
8 Government.

9 "There is no question of H. M. 's Government
10 making any attack upon or committing any act of
11 aggression against Japan; and Prime Minister is
12 sure that this also represents intentions of United
13 States, though of course he cannot claim to speak
14 for them. All preparations which are being made in
15 Oriental Regions by Great Britain and United States
16 are of a purely defensive character. Incidentally,
17 Prime Minister would wish to assure Monsieur MATSUOKA
18 that concern which Mr. Eden expressed to Japanese
19 Ambassador was not based exclusively on reports
20 from H. M. 's Ambassador in Tokyo, but on the course
21 of events in Far East and on a study of the speeches
22 of Japanese Minister for Foreign Affairs himself.

23 "Turning now to the war in progress in
24 Europe between Great Britain and Germany it will be
25 within Monsieur MATSUOKA's recollection that, before

1 outbreak of war, H. M. 's Government made every offer,
2 by concession and reasonable dealing, to avert
3 hostilities. That is recognized throughout the
4 world, and indeed the Government of the day in this
5 country were severely criticised for having travelled
6 too far along this road. Their efforts were un-
7 availing, and German Government, by attacking
8 Poland after so many breaches of faith and of
9 treaties, chose arbitrament of war. H. M. 's
10 Government, having thus been forced to enter upon
11 this grievous quarrel, have no thought but to carry
12 it to a victorious conclusion. Naturally it takes
13 some time for the peaceful communities which compose
14 British Empire to overtake military preparations of
15 countries which have long been exulting in their
16 martial might, and adapting their industries to war
17 production. But even now H. M. 's Government feel
18 well assured of their ability to maintain themselves
19 against all comers, and they have every reason to
20 hope that within a few months they will, with rapidly
21 increasing supply of materials which is coming from
22 United States, be overwhelmingly strong.

24 "Monsieur MATSUOKA makes allusions to
25 help which this country receiving from United States
of America. Prime Minister would observe that that

1 help is being given for very reason that battle
2 which this country is waging is for overthrow
3 of system of lawlessness and violence abroad and
4 cold, cruel tyranny at home which constitutes German
5 Naziism regime.

6 "It is this system that people of British
7 Empire, with sympathy and support of whole English-
8 speaking world, are resolved to extirpate from
9 continent of Europe. H. M.'s Government have no
10 designs upon integrity of independence--"

11 THE PRESIDENT: "Or."

12 MR. HIGGINS: "Integrity or" it should be.

13 (Reading continued): "--integrity or
14 independence of any other country, and they seek no
15 advantage for themselves except satisfaction of
16 having rid the earth of a hateful terror and of
17 restoring freedom to the many insulted and enslaved
18 nations of European continent. This they would
19 regard as greatest honour that could reward them,
20 and the crowning episode in what, for western world,
21 is a long continuity of history.

22 "Monsieur MATSUOKA, with loftiest motives,
23 has hinted at his readiness to act as the mediator
24 between the belligerents. Prime Minister is sure
25 that, in light of what he has said and upon for the

1 reflection, Monsieur MATSUOKA will understand that
2 in a cause of this kind, not in any way concerned
3 with territory, trade or material gains, but affecting
4 the whole future of humanity, there can be no question
5 of compromise or parley. It would be a matter of
6 profoundest regret to H. M.'s Government if by
7 any circumstance Japan and this country were to
8 become embroiled, and this not only because of their
9 recollection of the years during which two countries
10 were happily united in alliance, but also because
11 such a melancholy event would both spread and pro-
12 long the war without however in opinion of H. M.'s
13 Government altering its conclusion.

14 "Foreign Office, W. 1.

15 "24th February, 1941."

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G 1 We now offer in evidence IPS document No.
r 2 1592-B which is a telegram No. 4840, dated February
e 3 25, 1941, from OSHIMA to MATSUOKA.
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THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document
& No. 1592-B will receive exhibit No. 1050.

B 7 (Whereupon, the document above
e 8 referred to was marked prosecution's exhibit
r 9 No. 1050 and received in evidence.)
o 10

n 11 MR. HIGGINS: I read prosecution's exhibit
12 No. 1050:

13 "Copy of Telegram No. 4840

14 "Nature of Telegram: Code

15 "Date: Dispatched 25 February Shows 16/1941/A.M.
16 Received, 25 February Shows 16/1941/P.M.

17 "To: Foreign Minister MATSUOKA

18 "From: Ambassador OSHIMA, Berlin

19 "No. 160 (Urgent)

20 "At the interview with Ribbentrop reported to
21 you in Telegram No. 157, I stressed that there have
22 been various conjectures concerning Japanese-German re-
23 lations, especially concerning the Tri-Partite Pact,
24 that there has also been slanderous propaganda by Eng-
25 land and the United States; but that although there
 may be some degree of misunderstanding on the part of

1 Germany, the fact that Japan is absolutely faithful to
2 the Tri-Partite Pact will be clearer when the Imperial
3 Rescript is issued; and that both government officials
4 and the people are moving forward with united and steed-
5 fast resolve toward the realization of the national
6 policy, with the aforementioned treaty as the keynote
7 of our foreign relations. Ribbentrop agreed, saying
8 that Germany too has a comradely feeling of being in
9 the same boat as Japan, and that Chancellor Hitler has
10 the strongest faith on this point. He said that he
11 hoped that there was no misunderstanding about Germany's
12 real intention by Japan.

13 "For your reference.

14 "Relayed to Germany, Soviet Russia, Turkey, and
15 to the U.S.A."

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1 THE PRESIDENT: Mr. Hardin.

2 MR. HARDIN: I offer in evidence IPS docu-
3 ment 1592-C which is telegram No. 5956 dated Febru-
4 ary 25, 1941 from SHIGEMITSU in London to MATSUOKA.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1592-C will receive exhibit No. 1051.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1051 and received in evidence.)

11 MR. HARDIN: (Reading)

12 "COPY OF TELEGRAM NO. 4956.

13 NATURE OF TELEGRAM: Code

14 DATE DISPATCHED: 25 Feb. Showa 16, 1941, P.M.

15 RECEIVED: 26 Feb. Showa 16, 1941, P.M.

16 TO: Foreign Minister MATSUOKA

17 FROM: Ambassador SHIGEMITSU in London

18 "No. 137-1

19 "1. At the interview with Premier Churchill
20 on the 24th he first spoke to me consecutively for
21 about 20 minutes as summarized in my previous tele-
22 gram No. 136.

23 "2. I answered that I understood what he said.
24 However, with regard to the third point, I told him
25 that Foreign Minister MATSUOKA did not offer to med-

1 iate, but that he simply emphasized Japan's spirit
2 toward peace and that he especially expressed his
3 concern over the peace in East Asia. Availing myself
4 of this opportunity I told him that I wanted
5 to express my unreserved opinion to the effect that
6 while the relations between Great Britain and Japan
7 had become very clear, to our satisfaction, by
8 Japan's avowal of having no intention to aggress
9 upon Great Britain and by Britain's declaration
10 that she would not take any offensive policy against
11 Japan, it was very regrettable that Britain, who was
12 well aware that the aggravation of the relations be-
13 tween the two countries arose from the problems in
14 China, has been, together with other countries,
15 giving concrete assistance to the Chungking govern-
16 ment, our enemy, thus maintaining a policy enabling
17 the Chungking Government to carry on resistance
18 against Japan. Such a policy is recognized as a
19 challenge to the peace of East Asia for which Japan
20 has deep concern. I contended that Japan has no
21 idea of conquering China and that her unprejudiced
22 stand was clearly pointed out in MATSUOKA's message,
23 and that we are carrying out our policies in that
24 line under the treaties with the Nanking Government.
25 In view of the present world conditions, it is im-

1 possible for Japan to go on existing, abandoning
2 the continent of China to a chaotic condition, and,
3 therefore, that it is only justifiable for her to
4 counter-attack against hostile activities made upon
5 order and peace. Uneasiness could not be eliminated
6 unless this point should be amended. I said that I
7 was convinced that in the Pacific the time has come
8 to require more positive and constructive policies,
9 not just the preventing of general destruction. This
10 would be significant for preventing conditions from
11 becoming aggravated again. If all of the nations
12 concerned had enough self-control to be able to
13 construct peace in this area, too, through their
14 goodwill and mutual understanding, I went on, it
15 might prove the first step in gradually saving the
16 world from catastrophe. This was why I had been
17 making efforts and exchanging opinions with Lord
18 Lloyd (the Colonial Secretary, a leader of the Upper
19 House and an intimate friend of Churchill. Died
20 lately). Lord Mankey and others, as I said in con-
21 clusion, he (Churchill) might have been aware.

22 "3. The Premier answered that he was
23 aware of it; then he said that as he had declared
24 previously (his speech in Parliament at the time of
25 the conclusion of the negotiations over the Burma

1 Road) to the contrary, he considered it desirable
2 that Japan be active in China, and that peace be
3 brought about between them; so Great Britain had no
4 intention of interfering. He said that rather than
5 giving assistance, Britain's position is indeed
6 tantamount to strict neutrality. Great Britain,
7 he continued, has no objection now or later to the
8 uninterrupted development of Japan as one of the
9 great countries of the world. He said that, at any
10 rate, he is at present doing his utmost to reesta-
11 blish a righteous peace in Europe. The British Em-
12 pire alone has a White population of sixty-five
13 millions as against a population of seventy-five
14 millions in Germany, and he was sure that the war
15 should be brought to a final victory for his coun-
16 try by utilizing far bigger resources and with the
17 assistance of the U. S. A.

18 "4. The premier said further that after
19 the conclusion of the Tripartite Pact the inten-
20 tions of Japan had been so vague as to cause sus-
21 picion on the part of Britain and the U. S. A., but
22 instead that conditions have now become good is
23 clear both at home and abroad by the press accounts.
24 To the above I answered that it would be a gross mis-
25 take to consider that the latest press campaign by

1 Britain gives favorable effect to Japan. In a word,
2 a campaign of such nature would be only harmful and un-
3 profitable. Then the Premier justified himself,
4 saying that there was no special campaign.

5 "5. At the interview today Permier Churchill
6 tried to emphasize the determination of Great Britain
7 to carry through the war, calling the German actions
8 inhuman aggressive acts, but he did not criticize
9 the past Japanese policies toward China. Instead he
10 appeared to show an attitude of indifference toward
11 it.

12 "Dispatch relayed to United States."

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1 We tender in evidence IPS document 220C (12)
2 from exhibit 58 for identification, Volume II. This
3 is an excerpt from a telegram from Mr. Grew to Secre-
4 tary of State, dated February 27, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 220C (12) will receive exhibit No. 1052.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhib-
10 it No. 1052 and received in evidence.)

11 MR. HARDIN: (Reading)

12 "TELEGRAM

13 "THE, AMBASSADOR IN JAPAN (GREW) TO THE
14 SECRETARY OF STATE

15 "TOKYO, February 27, 1941--2 a.m. (Received
16 4:55 p.m.)

17 "Excerpt.

18 "317. In the course of my conversation today
19 with the Foreign Minister he went out of his way to
20 accuse the British Government of taking measures in
21 the Far East which were a direct incitement to Japan
22 and which rendered very difficult an improvement in
23 the situation. He referred in this connection to the
24 reported mining of Singapore and the sending of Aus-
25 tralian troops to the Malaya-Thailand border."

1 " I said that it seemed to me extraordinary
2 that the Japanese should interpret and characterize
3 obviously defensive measures as measures of offense.
4 As I had said to the Minister at the American-Japan
5 Society luncheon, we must inevitably be guided by
6 'facts and actions' and that certainly the facts and
7 actions relating to Japan's southward advance were
8 concrete causes for serious anxiety not only on the
9 part of Great Britain but of ourselves. Having occu-
10 pied in succession Waichow, Hainan, the Spratly Is-
11 lands, and other areas, the Japanese military were
12 now pouring troops into Indo-China and, according
13 to our informer, had occupied the airport in Saigon,
14 quite apart from naval activities in those regions,
15 and that these steps, taken in conjunction with the
16 public utterances of many Japanese statesmen, gener-
17 als and admirals concerning Japanese intentions to the
18 southward, had created a situation which could hardly
19 be regarded with equanimity either by the United
20 States or Great Britain since they threatened not on-
21 ly our interests but our possessions."

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THE PRESIDENT: Mr. Chief of Counsel.

1 MR. KEENAN: We offer in evidence IPS
2 document No. 1339A (7) which is Japan's proposal by
3 SHIGEMITSU to Churchill, dated February 27, 1941.
4

5 THE PRESIDENT: Admitted on the usual terms.
6

7 CLERK OF THE COURT: Prosecution's document
8 No. 1339A (7) will receive exhibit No. 1053.
9

10 (Whereupon, the document above
11 referred to was marked prosecution's exhib-
12 it No. 1053 and received in evidence.)
13

14 MR. KEENAN: (Reading)
15 "Japan's Second Offer (Handed by Ambassador SHIGEMITSU
16 to CHURCHILL)
17

18 "His Imperial Japanese Majesty's Minister
19 for Foreign Affairs acknowledges the receipt of the
20 note of His Britannic Majesty's Prime Minister, dated
21 February 24, 1941, and takes pleasure in apprising
22 the letter that the statement and remarks contained
23 therein have been duly noted.
24

25 "The Foreign Minister trusts that Mr. Church-
ill is not necessarily expecting observations to be made
upon them. He wishes, however, to take advantage of
the opportunity to state that no hint whatever of his
readiness to act as a mediator between the actual be-
lligerents was intended to be conveyed in his Memoran-
26

1 dum addressed to His Britannic Majesty's Principal
2 Secretary of State for Foreign Affairs, nor did he
3 imagine for a moment any possibility of such a hint
4 being read in any part of the text. The Foreign
5 Minister took occasion in his Memorandum to refer
6 to the rediation now taking place in Tokyo as Mr.
7 Iden had made allusions to it and incidentally took
8 the liberty of stating in a general and abstract
9 manner the views he has always cherished, in order
10 to make clear the aspiration and attitude of his
11 country concerning the problem of peace or the re-
12 covery of normal conditions throughout the world.

13 "The Foreign Minister believes that it will
14 not be entirely out of place to reiterate what he
15 has said on more than one occasion in reference to
16 the Tripartite Pact, inasmuch as this matter was
17 touched upon by Mr. Iden in his conversation with
18 Ambassador SHIGEMITSU. The Tripartite Pact was
19 concluded as, and remains, a peace pact in the sense
20 that it was entered into largely with a view to pre-
21 venting a third Power from participating in the
22 European war or Sino-Japanese conflict, thus limit-
23 ing the participants and dimensions of the war and
24 also to bringing about peace at the earliest pos-
25 sible date. Japan's ideals were epitomized in the

1 preamble of the Pact, and it is needless to say that
2 Japan, remaining absolutely loyal to the aims and
3 ideals enunciated, will always find herself standing
4 by her allies in carrying out her duty under the Tri-
5 partite Pact.

6 "The Foreign Minister would equally deplore
7 and regret, if by any untoward circumstances, Great
8 Britain and this country were to become embroiled,
9 not only because of the recollection of the years
10 during which the two countries were united in alliance,
11 but also because such a tragic eventuality would be
12 fraught with the danger of destroying modern civiliza-
13 tion to the undoing of the best part of Humanity.
14

15 "February 27, 1941."

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1 We now desire to offer in evidence IPS' docu-
2 ment 1593-A taken from the Japanese Foreign Office
3 and duly authenticated. It is a telegram, No. 6915,
4 dated 4 March 1941, from MATSUOKA to NOMURA, the
5 Ambassador in Washington.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1593-A will receive exhibit No. 1054.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1054 and received in evidence.)

12 THE PRESIDENT: Mr. Chief of Counsel, the
13 preceding exhibit, 1053, is headed "Japan's Second
14 Offer." Can you suggest that exhibit 1053 contains
15 an offer?

16 MR. KEENAN: If the Tribunal please, this
17 is not our contention of the fact, nor do we at any
18 time, at any stage of this proceeding, in offering
19 any document or witness, intend to be bound when they
20 are of Japanese origin or nationality. We are offer-
21 ing it as the representation made by the Japanese
22 Government of what they contended the facts to be as
23 they were making it appear to other nations.

24 More specifically, Mr. President, with re-
25 spect, in stating our position in answer to the Court's

1 inquiry, this might be considered an offer for world
2 peace on Japanese terms.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: If the Tribunal please, we can-
5 not let the Chief Prosecutor's statement go by un-
6 challenged.

7 THE PRESIDENT: He can state his position
8 without issuing any challenge that you can meet now.
9 The Court, in effect, invited him to state his po-
10 sition. He did not misunderstand us. He just
11 stated it, and I think that ought to be the end of it
12 for the time being, Mr. Logan.

13 MR. LOGAN: I am not referring to his
14 statement with regard to your inquiry on exhibit
15 1053. I am referring to his statement that the
16 prosecution is not bound by any of the documents or
17 statements made by witnesses of Japanese origin. It
18 has always been my understanding that when a witness
19 is offered by the prosecution that he vouches for
20 his credibility, and I know of no reason why any
21 other procedure than that should be adopted in this
22 case.

23 THE PRESIDENT: In a criminal proceeding, of
24 course, it is the duty of the prosecution to place
25 all the facts before the Court and let the Court

1 draw its conclusion. Here you have a document which
2 may or may not contain a wrong heading. If it con-
3 tains a wrong heading, the prosecution are not bound
4 by that wrong heading.

5 MR. KEENAN: Mr. President, perhaps I
6 should make it abundantly clear that this is the
7 document exactly as we found it in the Japanese
8 archives, and it speaks for itself; and, of course,
9 the Court will make whatever interpretation circum-
10 stances warrant.

11 THE PRESIDENT: We always understood that
12 heading appeared on the original.

13 MR. KEENAN: The prosecution now offers in
14 evidence IPS document No. 2530-A, another newspaper
15 announcement relating to the new Mobilization Law,
16 dated 8 March 1941.

17 THE PRESIDENT: Mr. Chief of Counsel, do
18 you propose to read exhibit 1054?

19 MR. KEENAN: I beg your pardon. We do
20 propose. In the colloquy with counsel, I had for-
21 gotten that that was not read. May I now read it?

22 THE PRESIDENT: Yes. It has been admitted
23 and numbered, and you will read it.

24 MR. KEENAN: (Reading)

25 "Date: 7:00 P.M. March 4, 1941

1 "Sender: Foreign Minister MATSUOKA.
2 "Addressee: NOMURA, Japanese Ambassador to
3 the U S A.
4 "Subject: Ambassador NOMURA's denial of the
5 war with America.
6 "No. 107.

7 "Concerning No. 123 of your telegram, I
8 fully appreciate the circumstances under which you
9 had to make your answer in a cautious way. How-
10 ever, as I have already made an affirmative reply
11 to the question as to whether Japan will partici-
12 pate in a warfare in case the United States should
13 attack Germany, at the general meeting of Budget
14 Committee in the House of Representatives and on
15 other occasions, I hope that hereafter you will act
16 in concert with me when you answer questions of like
17 nature."

18 THE PRESIDENT: The document last tendered
19 is admitted on the usual terms.
20

21 Give it a number.
22

23 CLERK OF THE COURT: Prosecution's document
24 No. 2530-A is given exhibit No. 1055.
25

26 (Whereupon, the document above re-
27 ferred to was marked prosecution's exhibit
28 No. 1055 and received in evidence.)

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1 MR. KEENAN: (Reading)

2 "EXTRACT FROM 'THE TOKYO NICHI NICHI'

3 "March 8, 1941

4 - - -

5 "NATIONAL MOBILIZATION LAW

6 "Revised Regulations will be put in
7 Force on March 20.

8 - - -

9 "The detailed regulations relative to the
10 application of the revised National Mobilization Law,
11 which were approved in the 76th session of the Diet,
12 will be put in force on March 20, it was decided at
13 the Cabinet Meeting on March 7."

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1 MR. KEENAN: We now offer in evidence IPS
2 document 220C (20) from exhibit for identification
3 No. 58, volume 2. This is an excerpt from a memorandum
4 of Secretary of State Hull, dated March 8, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 220C (21) will receive exhibit No. 1056.

8 (Whereupon, the document above referred
9 to was marked prosecution's exhibit No. 1056 and
10 received in evidence.)

11 MR. KEENAN: (Reading)

12 "Memorandum by the Secretary of State.

13 "Washington, March 8, 1941.

14 "The Ambassador then said that it would be well-
15 nigh unthinkable for our two countries to fight each
16 other on account of the destructive effects that would
17 inevitably result in any event. I here spoke and
18 said that my country entertained the same idea about
19 the destructive effects of a military clash between
20 our two countries. I then inquired of the Ambassador
21 whether the military groups in control of his Govern-
22 ment could possibly expect important nations like the
23 United States to sit absolutely quiet while two or
24 three nations before our very eyes organized naval and
25 military forces and went out and conquered the balance

1 of the earth, including the seven seas and all trade
2 routes and the other four continents. Could they
3 expect countries like mine to continue to remain com-
4 placent as that movement is going on? I inquired fur-
5 ther what countries like mine would have to gain by
6 remaining complacent in the face of a movement to sub-
7 stitute force and conquest for law and justice and
8 order and fair dealing and equality. The Ambassador
9 sought to play down the view that such military con-
10 quest was really in the mind of his Government and he
11 then said that embargoes by this country were, of
12 course, of increasing concern, and that he did not
13 believe there would be any further military movements
14 unless the policy of increasing embargoes by this country
15 should force his Government, in the minds of those in
16 control, to take further military steps. To this I
17 replied that this is a matter entirely in the hands of
18 his Government for the reason that his Government took
19 the initiative in military expansion and seizures of
20 territory of other countries, thereby creating an
21 increasingly deep concern on the part of my own and other
22 countries as to the full extent of Japanese conquest
23 by force which was contemplated; that my country has
24 not been at fault and none of the nations engaged in
25 conquest have pretended seriously to charge it with

any action of omission or commission in relation to the present movement of world conquest by force on the part of some three nations, including Japan. The Ambassador sought here to minimize and mildly to controvert the idea that Japan is engaged in broad unqualified military conquest. I then repeated the terms of the Tripartite Agreement and the public declaration of Hitler and MATSUOKA and other high authorities in Japan to the effect that their countries under the Tripartite arrangement were out by military force to establish a new order not for Asia alone, not for Europe alone, but for the world, and a new order under their control. I said that whatever interpretation the Ambassador might give these utterances and military activities in harmony with them thus far, the American people who were long complacent with respect to dangerous international developments have of late become very thoroughly aroused and awakened to what they regard as a matter of most serious concern in relation to movements by Japan and Germany, presumably to take charge of the seas and the other continents for their own personal arbitrary control and pecuniary profit at the expense of the welfare of all of the peoples, who are victims of such a course and of peaceful nations in general. I said, of course, these apprehensions

1 and this tremendous concern will remain and continue
2 so long as Hitler continues his avowed course of un-
3 limited conquest and tyrannical rule and so long as
4 the Japanese Army and Navy increase their occupation
5 by force of other and distant areas on both land and
6 sea, with no apparent occasion to do so other than
7 that of capture and exclusive use of the territory
8 and other interests of other countries. The Ambassador
9 again sought to allay the idea of military conquest
10 on the part of his country, and I again replied with
11 emphasis that so long as Japanese forces were all over
12 China and Japanese troops and airplanes and naval
13 vessels were as far south as Thailand and Indo-China
14 and Saigon, accompanied by such threatening declarations
15 as Japanese statesmen are making week after week,
16 there can only be increasing concern by nations who
17 are vitally interested in international affairs both
18 on land and sea as they are also vitally interested
19 in the halt of world conquest by force and barbaric
20 methods of government.

21 "I proceeded to comment on Japan's line of
22 activities and utterances by saying that this country
23 and most other countries only proclaim and practice
24 policies of peaceful international relationships,
25 political, economic, social and cultural. Sometimes

1 the policy to promote these mutually beneficial rela-
2 tionships is proclaimed, such as our good neighbor
3 policy with special reference to Pan-America. And yet
4 all of our acts and programs and policies adopted by
5 the twenty-one American nations in their conferences
6 from time to time are made universal in their appli-
7 cation, so that Japan and all other nations receive
8 the same equal opportunities for trade and commerce
9 generally throughout the Americas that each of the
10 American nations receives itself. In striking contrast
11 the new order in greater Eastern Asia is unequivocally
12 believed to be purely a program of military aggression
13 and conquest with entirely arbitrary policies of
14 political, economic and military domination."

15 Quotations from a Foreign Relations volume.

16 The prosecution now offers in evidence IPS
17 document 220C (22) from exhibit for identification
18 58, volume 2, which is ~~excerpts~~ from a memorandum
19 of the Secretary of State, dated March 14, 1941.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 220C (22) will receive exhibit No. 1057.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 1057 and
25 received in evidence.)

1 MR. KEENAN: (Reading)

2 "Memorandum by the Secretary of State.

3 "March 14, 1931.

4 "Excerpts.

5 "The President again returned to the Tri-
6 partite Agreement and said that it had upset the
7 American people because they think that a concerted
8 effort is being made by Germany and Italy to reach the
9 Suez Canal and by Japan on the other hand to approach
10 Singapore, the Netherlands East Indies and the Indian
11 Ocean. The Japanese Ambassador spoke more strongly
12 than he had in his earlier talk with me, expressing
13 his belief that his country would not go South.

14 "The President finally remarked that, as the
15 Ambassador indicated, matters between our two countries
16 could undoubtedly be worked out without a military
17 clash, emphasizing that the first step in this direc-
18 tion would be the removal of suspicion and fear regard-
19 ing Japan's intentions. I here remarked that, of
20 course, with MATSUOKA astride the Axis on his way to
21 Berlin and talking loudly as he goes, and Japanese
22 naval and air forces in the vicinity of Indo-China,
23 Thailand and Saigon, with no explanation but with ser-
24 ious inferences, the Ambassador must realize how acute
25 feeling and opinion in this country have become."

1 We now offer in evidence, if it please the
2 Tribunal, several separate documents from the accused
3 KIDO's diary. They are documented as a series of IPS
4 documents 1632W. They will not be tendered consecutively
5 but in order of date in the course of this evidence.

6 THE PRESIDENT: We will receive them after
7 the recess. We will recess now for fifteen minutes.

8 (Whereupon, at 1045, a recess was taken
9 until 1100, after which the proceedings were
10 resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Chief of Counsel.

4 MR. KEENAN: I will proceed to read the docu-
5 ment last referred to before the Court recessed.

6 If the Court please, I tendered the ~~except~~
7 from Marquis KIDO's Diary, and I believe the Court had
8 not acted upon its admission.

9 THE PRESIDENT: We have not seen it yet. It
10 has not been distributed.

11 Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 1632-W(48) will receive exhibit No. 1058.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 1058, and was received in evidence.)

17 MR. KEENAN: Dated 3 April 1941.

18 (Reading) "In the anteroom of the Imperial
19 Palace Premier KONOYE consulted me about the pros-
20 pective appointment of Admiral TOYODA as the Minister
21 of Commerce and Industry and Lieutenant-General
22 SUZUKI as the President of the Planning Board. I
23 agreed with him. At 4.40 p.m. Premier KONOYE tele-
24 phoned me saying that since the plan he had intimated
25 to me this morning had been approved by both the War

1 Minister and the Navy Minister, necessary arrangements
2 for the appointments would be made at once."

3 Prosecution now offers in evidence IPS
4 document 220-C(23) from exhibit for identification
5 58, Volume II. This is a proposal presented by the
6 Department of State in Japan at a meeting of private
7 Japanese and American individuals on April 9, 1941.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 220-C(23) will receive exhibit No. 1059.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1059, and was received in evidence.)

14 MR. KEENAN: (Reading) "Proposal Presented
15 to the Department of State through the Medium of
16 Private American and Japanese Individuals on
17 April 9, 1941."

18 At this time, if the Court please, I would
19 like to have the previous remarks **that had been read**
20 from the prepared manuscript to conform with the exact
21 language of the heading of this document, namely:

22 "Proposal Presented to the Department of
23 State through the Medium of Private American and
24 Japanese Individuals on April 9, 1941.

25 "The Governments of the United States and of

1 Japan accept joint responsibility for the initiation
2 and conclusion of a general agreement disposing the
3 resumption of our traditional friendly relations.

4 "Without reference to specific causes of
5 recent estrangement, it is the sincere desire of both
6 Governments that the incidents which led to the de-
7 terioration of amicable sentiment among our people
8 should be prevented from recurrence and corrected in
9 their unforeseen and unfortunate consequences.

10 "It is our present hope that, by a joint
11 effort, our nations may establish a just Peace in the
12 Pacific; and by the rapid consummation of an entente
13 cordiale, arrest, if not dispel, the tragic confusion
14 that now threatens to engulf civilization.

15 "For such decisive action, protracted nego-
16 tiations would seem ill-suited and weakening. We,
17 therefore, suggest that adequate instrumentalities
18 should be developed for the realization of a general
19 agreement which would bind, meanwhile, both governments
20 in honor and in act.

21 "It is our belief that such an understanding
22 should comprise only the pivotal issues of urgency and
23 not the accessory concerns which could be deliberated
24 at a Conference and appropriately confirmed by our re-
25 spective Governments."

1 "We presume to anticipate that our Govern-
2 ments could achieve harmonious relations if certain
3 situations and attitudes were clarified or improved;
4 to wit:

5 "1. The concepts of the United States and
6 of Japan respecting international relations and the
7 character of nations.

8 "2. The attitudes of both governments to-
9 ward the European War.

10 "3. The relations of both nations toward
11 the China Affair.

12 "4. Naval, aerial and mercantile marine re-
13 lations in the Pacific.

14 "5. Commerce between both nations and their
15 financial cooperation.

16 "6. Economic activity of both nations in the
17 Southwestern Pacific area.

18 "7. The policies of both nations affecting
19 political stabilization in the Pacific.

20 "Accordingly, we have come to the following
21 mutual understanding subject, of course, to modifica-
22 tions by the United States Government and subject to
23 the official and final decision of the Government of
24 Japan.

25 "I. The concepts of the United States and

1 of Japan respecting international relations and the
2 character of nations.

3 "The Governments of the United States and
4 of Japan might jointly acknowledge each other as equal-
5 ly sovereign states and contiguous Pacific powers.

6 "Both Governments assert the unanimity of
7 their national policies as directed toward the founda-
8 tion of a lasting peace and the inauguration of a new
9 era of respectful confidence and cooperation among our
10 peoples.

11 "Both Governments might declare that it is
12 their traditional, and present, concept and conviction
13 that nations and races compose, as members of a family,
14 one household; each equally enjoying rights and ad-
15 mitting responsibilities with a mutuality of interests
16 regulated by peaceful processes and directed to the
17 pursuit of their moral and physical welfare, which
18 they are bound to defend for themselves as they are
19 bound not to destroy for others.

20 "Both Governments are firmly determined
21 that their respective traditional concepts on the
22 character of nations and the underlying moral princi-
23 ples of social order and national life will continue
24 to be preserved and never transformed by foreign ideas
25 or ideologies contrary to these moral principles and

1 concepts.

2 "II. The attitudes of both Governments
3 toward the European War.

4 "The Government of Japan maintains that the
5 purpose of its Axis Alliance was, and is, defensive
6 and designed to prevent the extension of military
7 grouping among nations not directly affected by the
8 European War.

9 "The Government of Japan, with no intention
10 of evading its existing treaty obligations, desires
11 to declare that its military obligation under the Axis
12 Alliance, comes into force only when one of the parties
13 of the Alliance is aggressively attacked by a power
14 not at present involved in the European War.

15 "The Government of the United States main-
16 tains that its attitude toward the European War is,
17 and will continue to be, determined by no aggressive
18 alliance aimed to assist any one nation against another.
19 The United States maintains that it is pledged to the
20 hate of war, and accordingly, its attitude toward the
21 European War is, and will continue to be, determined
22 solely and exclusively by considerations of the pro-
23 tective defense of its own national welfare and se-
24 curity.

25 "III. China affairs.

1 "The President of the United States, if the
2 following terms are approved by His Excellency and
3 guaranteed by the Government of Japan, might request
4 the Chiang-Kai-Chek regime to negotiate peace with
5 Japan.

6 "a. Independence of China

7 "b. Withdrawal of Japanese troops from
8 Chinese territory, in accordance with an agreement
9 to be reached between Japan and China

10 "c. No acquisition of Chinese territory

11 "d. No imposition of indemnities

12 "e. Resumption of the 'Open Door'; the
13 interpretation and application of which shall be agreed
14 upon at some future, convenient time between the United
15 States and Japan.

16 "f. Coalescence of Governments of Chiang-
17 Kai-Chek and of Wang-Ching-Wei.

18 "g. No large-scale or concentrated immigra-
19 tion of Japanese into Chinese territory.

20 "h. Recognition of Manchukuo.

21 "With the acceptance by the Chiang-Kai-Chek
22 regime of the aforementioned Presidential request, the
23 Japanese Government shall commence direct peace nego-
24 tiations with the newly coalesced Chinese Government,
25 or constituent elements thereof."

1 "The Government of Japan shall submit to
2 the Chinese concrete terms of peace, within the limits
3 of aforesaid general terms and along the line of neigh-
4 borly friendship, joint defense against communistic
5 activities and economic cooperation.

6 "Should the Chiang-Kai-Chek regime reject
7 the request of President Roosevelt, the United States
8 Government shall discontinue assistance to the Chinese.

9 "IV. Naval, aerial and mercantile marine
10 relations in the Pacific.

11 "a. As both the Americans and Japanese are
12 desirous of maintaining the peace in the Pacific, they
13 shall not resort to such disposition of their naval
14 forces and aerial forces as to menace each other. De-
15 tailed, concrete agreement thereof shall be left for
16 determination at the proposed joint Conferences.

17 "b. At the conclusion of the projected Con-
18 ference, each nation might despatch a courtesy naval
19 squadron to visit the country of the other and signal-
20 ize the new era of Peace in the Pacific.

21 "c. With the first ray of hope for the set-
22 tlement of Chinese affairs, the Japanese Government
23 will agree, if desired, to use their good offices to
24 release for contract by Americans certain percentage
25 of their total tonnage of merchant vessels, chiefly

1 for the Pacific service, so soon as they can be re-
2 leased from their present commitments. The amount of
3 such tonnage shall be determined at the Conference.

4 "V. Commerce between both nations and their
5 financial cooperation.

6 "When official approbation to the present
7 understanding has been given by both Governments, the
8 United States and Japan shall assure each other to
9 mutually supply such commodities as are respectively
10 available or required by either of them. Both govern-
11 ments further consent to take necessary steps to the
12 resumption of normal trade relations as formerly es-
13 tablished under the Treaty of Navigation and Commerce
14 between the United States and Japan. If a new com-
15 mercial treaty is desired by both governments, it
16 could be elaborated at the proposed conference and con-
17 cluded in accordance with usual procedure.

18 "For the advancement of economic cooneration
19 between both nations, it is suggested that the United
20 States extend to Japan a gold credit in amounts suf-
21 ficient to foster trade and industrial development
22 directed to the betterment of Far Eastern economic
23 conditions and to the sustained economic cooperation
24 of the Governments of the United States and of Japan.
25

 "VI. Economic activity of both nations in

1 the Southwestern Pacific area.

2 "On the pledged basis of guarantee that
3 Japanese activities in the Southwestern Pacific area
4 shall be carried on by peaceful means, without resort-
5 ing to arms, American cooperation and support shall
6 be given in the production and procurement of natural
7 resources (such as oil, rubber, tin, nickel) which
8 Japan needs.

9 "VII. The policies of both nations affect-
10 ing political stabilization in the Pacific.

11 "A. The Governments of the United States
12 and of Japan will not acquiesce in the future transfer
13 of territories or the relegation of existing States
14 within the Far East and in the Southwestern Pacific
15 area to any European Power.

16 "b. The Governments of the United States
17 and of Japan jointly guarantee the independence of
18 the Philippine Islands and will consider means to
19 come to their assistance in the event of unprovoked
20 aggression by any third Power.

21 "c. The Government of Japan requests the
22 friendly and diplomatic assistance of the Government
23 of the United States for the removal of Hongkong and
24 Singapore as doorways to further political encroach-
25 ment by the British in the Far East."

1 "4. Japanese Immigration to the United
2 States and to the Southwestern Pacific area shall re-
3 ceive amicable consideration--on a basis of equality
4 with other nationals and freedom from discrimination.

5 "Conference.

6 "6. It is suggested that a Conference be-
7 tween Delegates of the United States and of Japan be
8 held at Honolulu and that this conference be opened
9 for the United States by President Roosevelt and for
10 Japan by Prince KONOYE. The delegates could number
11 less than five each, exclusive of experts, clerks, etc.

12 "7. There shall be foreign observers at
13 the Conference.

14 "8. This Conference could be held as soon
15 as possible (May 1941) after the present understand-
16 ing has been reached.

17 "9. The agenda of the Conference would not
18 include a reconsideration of the present understanding
19 but would direct its efforts to the specification of
20 the prearranged agenda and drafting of instruments to
21 effectuate the understanding. The precise agenda could
22 be determined upon by mutual agreement between both
23 governments.

24 "Addendum.

25 "10. The present understanding shall be kept as

1 a confidential memorandum between the Governments of
2 the United States and of Japan.

3 "The scope, character and timing of the
4 announcement of this understanding will be agreed upon
5 by both Governments."

6 Taken from Foreign Relations Vol. II, pp.
7 398-402.

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1 MR. LOGAN: If the Tribunal please--

2 MR. KEENAN: I am not through. I want to
3 make a remark about it.

4 MR. LOGAN: I am sorry.

5 MR. KEENAN: Mr. President, because of the
6 unusual situation existing, I ask respectfully, per-
7 mission to explain to the Tribunal at this time that
8 later on in this phase we will present Mr. Ballantine,
9 Special Assistant to the Secretary of State of the
10 United States, who participated in many conferences
11 held in 1941 preceding the outbreak of the Japanese-
12 American War.

13 I am offering no testimony, of course, at
14 this time, but I am explaining to the Court that at
15 that time he will give direct testimony as to these
16 conferences or talks between unofficial -- those who
17 were not officials of either Japan or the United
18 States. We have believed it preferable to place the
19 series of documents before the Court.

20 There were no officials representing the
21 United States Government, we expect to prove, and we
22 make this statement so that the Court will not be
23 misled by any documents we present, nor will the record
24 be confused in that regard. So we believe the Court
25 will understand our explanatory statement at this time.

1 The prosecution offers in evidence IPS
2 document 220-C(24) from exhibit for identification
3 58, Volume II.

4 This is an excerpt from memorandum from
5 Secretary of State Hull, dated April 14, 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 220-C(24) will receive exhibit No. 1060.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1060, and was received in evidence.)

12 MR. KEENAN: (Reading)

13 "MEMORANDUM BY THE SECRETARY OF STATE
14 (WASHINGTON,) April 14, 1941

15 "Excerpt.

16 "The Ambassador of Japan called at my
17 apartment at the Wardman Park Hotel at my request.
18 I stated that as the Ambassador would recall, both
19 the President and I suggested during our conversations
20 with him that he might care in discussions with me to
21 explore the question of improving relations between
22 the United States and Japan; that such a procedure
23 might involve a review of relations during recent
24 years in an attempt to ascertain where and in what
25 respects the courses of the two countries had div-

1 erged; and that this would be done with a view to
2 ascertaining whether something practicable might
3 be done toward restoring the relations of our two
4 countries to that harmonious state which existed for
5 so many decades. I said that I referred to this
6 again at this time because of the reports which
7 have been coming to me that certain of the Ambass-
8 ador's compatriots have been working on formulation
9 of proposals and plans for improving relations be-
10 tween the United States and Japan. I had been told
11 that the Ambassador's compatriots have been in touch
12 with the Ambassador in connection with their pro-
13 posals and that the Ambassador has participated in
14 and associated himself with these plans. I added
15 that I did, of course, not know whether these reports
16 are entirely accurate and, as mentioned previously
17 to him, we can deal only with the Ambassador in ad-
18 dressing ourselves to consideration of problems out-
19 standing between our two Governments.
20

21 "I then emphasized the point that I had
22 sent for the Ambassador primarily to clear up the
23 matter of the extent of his knowledge of the latest
24 document handed to my associates in the State Depart-
25 ment by those Americans and Japanese who are collab-
orating as individuals in an effort to make some sort

of contribution to better relations between the two
1 countries, and as to whether it was his desire to
2 present that officially as a first step in negotia-
3 tions between the two Governments. I again cited
4 those phases previously referred to, which called
5 for preliminary conversation on certain subjects
6 before a stage of negotiations could be reached, and
7 which discouraged the immediate presentation of the
8 document by the Ambassador in an official way. The
9 Ambassador promptly replied that he did not know all
10 about this document and that he had collaborated
11 more or less with the individual Japanese and Ameri-
12 cans referred to, and that he would be disposed to
13 present it as a basis for negotiations. He proceed-
14 ed to refer to his great desire to preserve peace
15 between the two countries and, therefore, to do any-
16 thing within his power to that end. He emphasized
17 the utter disaster it would be to both countries to
18 go to war, which would last perhaps for many years
19 with the complete exhaustion of all concerned. He
20 spoke strongly expressing the view that his Govern-
21 ment did not intend to invade the South Sea area.

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24 "Foreign Relations II, pp.402 - 403"

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"We offer in evidence IPS document No. 220 C (25) from exhibit for identification, Volume 2, exhibit 58. This is an excerpt of Secretary of State Hull, dated April 16, 1941.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 220 C (25) will receive exhibit No. 1061.

MR. KEENAN: (Reading)

"MEMORANDUM BY THE SECRETARY OF STATE

"With reference to the question of gradually developing a settlement in the Orient, I said that I had been told that the document on which the Ambassador and the private group of individual Americans and Japanese were collaborating contained numerous proposals with which my Government could readily agree; on the other hand, however, there were others that would require modification, expansion, or entire elimination, and, in addition, there would naturally be some new and separate suggestions by this Government for consideration. I then remarked

1 that the one paramount preliminary question about
2 which my Government is concerned is a definite
3 assurance in advance that the Japanese Government
4 has the willingness and ability to go forward with
5 a plan along the lines of the document we have
6 referred to and the points brought up in our conver-
7 sation in relation to the problems of a settlement;
8 to abandon its present doctrine of military conquest
9 by force and the taking of title to all property
10 and territories seized, together with the use of
11 force as an instrument of policy; and to adopt the
12 principles which this Government has been proclaiming
13 and practicing as embodying the foundation on which
14 all relations between nations should properly rest.
15

16 I said:

17 'I will, therefore, hand to you as the
18 basis for my preliminary question, the following
19 four points on a blank piece of paper:

20 1. Respect for the territorial integrity
21 and the sovereignty of each and all nations.

22 2. Support of the principle of non-
23 interference in the internal affairs of other coun-
24 tries.

25 3. Support of the principle of equality,
 including equality of commercial opportunity."

1 "14. Non-disturbance of the status quo
2 in the Pacific except as the status quo may be
3 altered by peaceful means.

4 "You can answer the questions or submit
5 them to your Government for its answer through you,
6 as you prefer. You understand that we both agree
7 that we have in no sense reached the stage of
8 negotiations; that we are only exploring in a purely
9 preliminary and unofficial way what action might
10 pave the way for negotiations later.'

11 "Foreign Relations II, pp. 406-407."

12 Prosecution offers in evidence IPS document
13 1339-A (9), letter from Mr. Churchill to MATSUOKA,
14 dated April 12, 1941, handed to MATSUOKA at Moscow.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 1339-A (9) will receive exhibit No. 1062.

18 ("hereupon, the document above
19 referred to was marked prosecution's exhibit No.
20 1062 and received in evidence.)

21 MR. KEENAN: (Reading)

22 "Message from the Right Honorable Winston
23 Churchill, Acting Secretary of State for Foreign
24 Affairs, to His Excellency Mr. Yosuke MATSUOKA, His
25 Imperial Japanese Majesty's Minister for Foreign

1 Affairs, of which a copy was handed unofficially
2 to Mr. MATSUOKA by His Majesty's Ambassador at
3 Moscow on April 12, 1941.

4 "(Note. - It had originally been intended
5 that this letter should be delivered to Mr. MATSUOKA
6 by Mr. SHIGEMITSU who had expected to meet the
7 Japanese Foreign Minister during his stay in Europe).
8

9 "Your Excellency,

10 "I take advantage of the facilities with
11 which we have provided your Ambassador to send you a
12 friendly message of sincerity and goodwill. I venture
13 to suggest a few questions which, it seems to me,
14 deserve the attention of the Imperial Japanese
15 Government and people:

16 "(1) Will the Germans, without command of
17 the sea or command of the British daylight air, be
18 able to invade and conquer Great Britain in the
19 spring, summer or autumn of 1941? Will the Germans
20 try to do so? Would it not be in the interests of
21 Japan to wait until these questions have answered
22 themselves?

23 "(2) Will the German attack on British
24 shipping be strong enough to prevent American aid
25 from reaching British shores with Great Britain and
the United States of America transforming their

whole industry to war purposes?

"(3) Did Japan's accession to the triple pact make it more likely or less likely that the United States would come into the present war?

"(4) If the United States entered the war at the side of Great Britain and Japan ranged herself with the Axis Powers, would not the naval superiority of the two English-speaking nations enable them to deal with Japan while disposing of the Axis Powers in Europe?

"(5) Is Italy a strength or a burden to Germany? Is the Italian fleet as good at sea as on paper? Is it as good on paper as it used to be?

"(6) Will the British Air Force be stronger than the German Air Force before the end of 1941 and far stronger before the end of 1942?

"(7) Will the many countries which are being held down by the German army and Gestapo learn to like the Germans more or will they like them less as the years pass by?

"(8) Is it true that the production of steel in the United States of America during 1941 will be 75 million tons and in Great Britain about 12½ million tons, making a total of nearly 90 million tons? If Germany should happen to be

25
defeated as she was last time would not the
7 million tons of steel production of Japan be
inadequate for a single-handed war?
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"From the answers to these questions may
spring the avoidance by Japan of a serious catastrope
and a marked improvement in the relations
between Japan and Great Britain, the great sea
Power of the West.
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"I remain, with great truth and respect,
"Your Excellency's obedient Servant,
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"(Sd) "INSTON S. CHURCHILL."
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I offer in evidence, with the Court's
permission, IPS document No. 1339-A (10), which is
a telegram from MATSUOKA to Churchill, dated April
22, 1941.
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THE PRESIDENT: Admitted on the usual
terms.
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CLERK OF THE COURT: Prosecution's docu-
ment No. 1339-A (10) will receive exhibit No. 1063.
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("hereupon, the document above
referred to was marked prosecution's exhibit
No. 1063 and received in evidence.)
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MR. KEENAN: (Reading)
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"April 22, 1941

"Your Excellency,

1 "I have just come back from my trip and
2 hasten to acknowledge the receipt of paper, handed
3 to me at Moscow on the evening of the 12th instant
4 by Sir Stafford Cripps with remark that it was a
5 copy in substance of a letter addressed to me dated
6 London, April 2, 1941, and forwarded to Tokyo.

7 "I wish to express my appreciation for
8 the facilities with which your Government made
9 efforts to provide our Ambassador when he wanted
10 to meet me on the continent. I was keenly dis-
11 appointed when I learned that he could not come.

12 "Your Excellency may rest assured that
13 the foreign policy of Japan is determined upon and
14 after an unbiased examination of all the facts
15 and a very careful weighing of all the elements of
16 the situation she confronts, always holding stead-
17 fastly in view the great racial aim and ambition of
18 finally bringing about on the earth the conditions
19 envisaged in what she calls Hakkoichiu, the Japanese
20 conception of a universal peace under which there
21 would be no conquest, no oppression, no exploitation
22 of any and all peoples. And, once determined, I need
23 hardly tell Your Excellency, it will be carried out
24 with resolution but with utmost circumspection, taking
25 in every detail of changing circumstances."

1 "I am, believe me,

2 "Your Excellency's obedient servant,

3 "Yosuke MATSUOKA."

4 Prosecution offers in evidence document
5 No. 219P (73) taken from exhibit for identification
6 No. 58, Volume 1, which is an excerpt from statement
7 by Ambassador Grew to Acting Foreign Minister KONOYE,
8 Tokyo, April 14, 1941.

9 THE PRESIDENT: Admitted on the usual
10 terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 219P (73) will receive exhibit No. 1064.

13 ("Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1064 and was received in evidence.)

16 MR. KEENAN: (Reading)

17 "Tokyo, April 14, 1941

18 "No. 1779.

19 "The American Ambassador in Japan (Grew)
20 to the Japanese Acting Minister for Foreign Affairs
21 (PRINCE KONOYE).

22 "Excellency: I have the honor to refer to
23 my note to the Minister for Foreign Affairs, No. 1738
24 of February 4, 1941, with reference to the aerial
25 bombardment of Kunming, China, by Japanese aircraft

on January 29, 1941, at which time the American
1 Consulate at that place was seriously endangered, and
2 to inform Your Excellency that American lives and
3 property were again endangered at Kunming on April 8
4 by a wanton and indiscriminate bombing attack by
5 Japanese airplanes.

6 "On this occasion, according to the Amer-
7 ican Consul at Kunming, the China Inland Mission,
8 where seven American citizens including three
9 children were residing, was badly damaged by ex-
10 plosions and barely escaped destruction by fire.
11 At the same time, the house occupied by the
12 American-citizen clerk of the Consulate, adjacent
13 to the Mission, suffered concussion and damage in
14 the form of broken glass, fallen plaster and tiles,
15 and demolished electric light fixtures.

16 "Foreign Relations I, pp. 710-711."

17 THE PRESIDENT: Mr. Williams.

18 MR. E. WILLIAMS: "e tender in evidence
19 IFS document No. 1632" (49), which is an entry in
20 KIDO's Diary, April 19, 1941.

21 THE PRESIDENT: Admitted on the usual
22 terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 1632" (49) will receive exhibit No. 1065.

1 ("Whereupon, the document above
2 referred to was marked prosecution's
3 exhibit No. 1065 and received in evidence.)

4 MR. E. WILLIAMS: We read prosecution
5 exhibit No. 1065:

6 "Extract from Entry from Marquis KIDO's
7 Diary, 19 April 1941.

8 "April 19, 1941 - (Extract).

9 "From 1:20 p.m. to 1:43 p.m. I was re-
10 ceived in audience by the Emperor and reported
11 Japan's relations with the U.S. and also German-
12 Soviet relations. Ambassador KURUSU came to report
13 to the Throne. I was allowed to hear his report.
14 I talked with Premier KONOYE concerning Ambassador
15 NOMURA's request for instructions. It was our con-
16 clusion that we must bend every effort to keep good
17 faith with Germany and Italy, and at the same time
18 we ought to endeavor to realize the establishment of
19 a new order in the Greater East Asia Co-prosperity
20 Sphere, which is our fixed national policy."

21 We offer in evidence IPS document
22 No. 1632^w (50), an entry in KIDO's Diary, April 28,
23 1941.

24 THE PRESIDENT: Admitted on the usual
25 terms.

1 CLERK OF THE COURT: Prosecution's document

2 No. 1632^w (50) will receive exhibit No. 1066.

3 ("hereupon, the document above

4 referred to was marked prosecution's exhibit

5 No. 1066 and received in evidence.)

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1 MR. E. WILLIAMS: We read prosecution
2 exhibit No. 1066.

3 "Entry from Marquis KIDO's Diary, 28
4 April 1941."

5 "Having caught a cold I took a rest. At
6 11.30 a.m. Chief Secretary MATSUDIARA came to say that
7 my opinion had been asked by the Emperor what official
8 His Majesty should turn to for advice on diplomatic
9 questions when the Premier, Foreign Minister and Lord
10 Keeper of the Privy Seal were ill simultaneously as
11 is the case today, and he also asked about the
12 progress of deliberations on our policy towards the
13 U.S.A.

14 "15 I expressed my opinions about these questions
16 and then asked MATSUDAIRO to submit them to the Throne.
17 In the afternoon the Chief Secretary telephoned me
18 to say that the Emperor was well pleased with my
19 answer, and also conveyed to me a gracious Imperial
20 message which advised me always to take good care
21 of my health."

22 MR. LOGAN: If the Tribunal please, may we
23 have document, exhibit No. 1066, referred to the
24 Translation Section?

25 THE PRESIDENT: What do you suggest is wrong
with it, Mr. Logan?

1 MR. E. WILLIAMS: We read prosecution
2 exhibit No. 1066:

3 "Entry from Marquis KIDO's Diary, 28
4 April 1941."

5 "Having caught a cold I took a rest. At
6 11.30 a.m. Chief Secretary MATSUDAIRA came to say that
7 his opinion had been asked by the Emperor what official
8 His Majesty should turn to for advice on diplomatic
9 questions when the Premier, Foreign Minister and Lord
10 Keeper of the Privy Seal were ill simultaneously as
11 is the case today, and he also asked about the
12 progress of deliberations on our policy towards the
13 U.S.A.

14 "I expressed my opinions about these questions
15 and then asked MATSUDAIRA to submit them to the Throne.
16 In the afternoon the Chief Secretary telephoned me
17 to say that the Emperor was well pleased with my
18 answer, and also conveyed to me a gracious Imperial
19 message which advised me always to take good care
20 of my health."

21 MR. LOGAN: If the Tribunal please, may we
22 have document, exhibit No. 1066, referred to the
23 Translation Section?

24 THE PRESIDENT: What do you suggest is wrong
25 with it, Mr. Logan?

1 MR. LOGAN: The first sentence "Secretary
2 MATSUDAIRA came to say that his opinion" should be
3 "my opinion," that is, KIDO's.

4 THE PRESIDENT: The Tribunal refers it to
5 the Language Section.

6 MR. E. WILLIAMS: We offer in evidence
7 IPS document No. 2529-A, which is an offer of the
8 Japanese policy to increase the population to
9 100,000,000 by 1945. This has been duly authenticated.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2529-A will receive exhibit No. 1067.

13 ("Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1067 and received in evidence.)
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1 MR. E. WILLIAMS: We read prosecution
2 exhibit No. 1067:

3 "EXTRACT FROM 'JAPAN TIMES & ADVERTISER'

4 "January 23, 1941.
5 - - - - -
6 "CABINET TAKES STEP TO 100,000,000 GOAL
7 IN POPULATION DRIVE
8 - - - - -
9 "EAST ASIA LEADERSHIP REQUIRES EXPANDING
10 NUMBERS, IMPROVED QUALITIES, OFFICIALS
11 SAY
12 - - - - -
13 "DUAL POLICY OUTLINED
14 - - - - -
15 "GOVERNMENT WILL ATTEMPT TO RAISE BIRTH RATE,
16 CUT DEATH TOLL
17 - - - - -
18 "VARIOUS AIDS PROPOSED
19 - - - - -
20 "Fundamental principles of Japan's population
21 policy were decided on at the special Cabinet meeting
22 in the official residence of the Premier Wednesday,
23 Domei reports.
24 "Mr. Naoki HOSHINO, president of the Cabinet
25 Planning Board, made detailed explanations on the
policy while the Welfare, Education, and War Ministers
expressed their opinions."

1 "with minor changes, in wording, however, the
2 draft of a bill relating to the population policy
3 was unanimously approved by the members of the Cabinet.
4 In this connection a statement was issued by the Board
5 of Information immediately after the meeting.

6 "According to this statement, the Government
7 has been brought to establish a new population policy
8 to increase the population of this country quickly
9 and incessantly, to enhance the quality of the Japanese,
10 and to correct the distribution of the Japanese race
11 so as to secure the leadership of Japan over East
12 Asia.

13 "GOAL at 100,000,000

14 "To this end, the goal for the total
15 population of Japan proper in 1935" -- it says here
16 by mistake; it should be 1945 -- "has been set at
17 100,000,000. This is to enable Japan to expand its
18 population without stop, to surpass other countries
19 in the rate of population increase as well as in the
20 quality of race, to secure adequate man power for
21 military and economic purposes, and to keep the
22 supremacy of Japan over other races in East Asia.

23 "The Government will make payments to
24 newlyweds, cut the marriageable age by three years.
25 The goal is five children per couple.

1 "Efforts will be made to heighten the
2 birth rate, and lower the death rate, and for the
3 propagation of the view of the world based on family
4 and race instead of the individual.

5 "For heightening the birth rate in this
6 country, marriages will be promoted by special bureaus
7 designated by the Government, expenditures on weddings
8 will be restricted, employment of women over 20
9 will be restricted as much as possible, and priority
10 in materials will be given to prolific families.

11 "Birth Control Banned"

12 "At the same time, various systems will
13 be instituted for the protection of mothers and infants,
14 and birth control through the practice of abortion
15 and use of medicines will be prohibited strictly.

16 "In order to lower the death rate, the
17 Government will make special efforts for the prevention
18 of tuberculosis as well as the protection of infants
19 from death. According to a Government plan, the death
20 rate in Japan will be reduced by 35 per cent in the
21 next 20 years.

22 "As a means of elevating the quality of the
23 nation, the Government will try to redistribute
24 population with stress laid on the reduction of the
25 population of large cities such as Tokyo and Osaka.

26 "Farmers Held Static"

1 "At the same time, it will keep the farming
2 population in this country at a certain level as
3 the farming villages are considered to be the best
4 source of soldiers and laborers. It will expand
5 sports facilities for the rearing of stout and healthy
6 youths, and institute a system through which young
7 men can receive special spiritual and physical training
8 for a certain period of time.

9 "In this connection, Dr. Nobumi ITO, president
10 of the Board of Information, told Domei that since the
11 establishment of the Greater East Asia Co-prosperity
12 Sphere is the greatest mission ever delegated to the
13 Japanese, they must hold the responsibility as the
14 leaders of East Asia.

15 "'To become the leader of the Orient', he
16 said, 'the Japanese must not only expand greatly in
17 number but elevate themselves in quality.'

18 "'To achieve this end, individualistic
19 ideas, and the practice of birth control in various
20 forms, must be driven out of the minds of the public;
21 the view of the world based on the family and race
22 must be filtered into them, and early marriages and
23 child-bearing in many numbers should be encouraged.'"

24 We now offer in evidence IPS document No.
25 4059-A, a document taken from the files at Nuernberg

1 and is a telegram from Ott to Ribbentrop, dated
2 May 6, 1941.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 4059-A will receive exhibit No. 1068.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1068 and received in evidence.)

9 MR. E. WILLIAMS: We read prosecution exhibit
10 No. 1068: --

11 THE PRESIDENT: It is a very long document.

12 MR. E. WILLIAMS: It is long.

13 THE PRESIDENT: We will hear it after the
14 luncheon adjournment. We will recess now until half
15 past one.

16 (Whereupon, at 1155 a recess was taken.)

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AFTERNOON SESSION

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1 The Tribunal met, pursuant to recess, at 1330.
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4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Mr. Williams.

7 MR. E. WILLIAMS: We read prosecution's
8 exhibit No. 1068:

9 (Reading):

10 "Telegram (Secret Cipher Process)

11 "Tokyo, 6 May 1941 1110 S.

12 "Arrival 7 May 1941 100 Hours

13 "No. 685 of 6 May Most urgent!

14 "Re: Telegram No. 676 of 5 May for the German
15 Foreign Minister

16 "For the German Foreign Minister.

17 "Today I had a rather long conversation with
18 MATSUOKA whom I told the points of view contained
19 in the foregoing telegram. MATSUOKA entirely agree
20 with my trend of thought, asking me to explain his
21 conception of the present situation to the German
22 Foreign Minister as follows:

23 "He read the speech of the Fuehrer yesterday
24 and is extremely impressed by the sureness and wisdom
25 of the arguments. On the other hand, ROOSEVELT seems

1 to him to have completely lost his head, judging
2 from his hysterical invectives. Impressed by the
3 Fuehrer's speech, he has sent to the German Foreign
4 Minister through the Japanese Embassy in Berlin a
5 telegram, of which he handed me a copy.

6 "Turning to a discussion of the overall
7 situation MATSUOKA stated that he intended to
8 acquaint me with the American proposal as soon as
9 he had achieved acceptance of his viewpoint by the
10 authoritative quarters within the country. The
11 American proposal probably originates in a report
12 to WASHINGTON by the American Ambassador in MOSCOW;
13 he has known him for a long time and had a frank
14 discussion with him at MOSCOW while on his trip
15 back. The American Ambassador, who did not conceal
16 his critical attitude towards ROOSEVELT, asked him
17 what JAPAN would do in case the United States should
18 join the war. He replied that then Japan likewise
19 would in any case immediately join the war on the
20 side of the Axis powers. The Ambassador tried to
21 soft pedal this view point in that he tried to
22 represent Japanese interference as possible in his
23 report to WASHINGTON. He (MATSUOKA), however,
24 emphasized most clearly that Japan would then strike.
25

"Even on his way back to TOKYO he expected

the American Counter move. When he arrived he
1 found the American proposal of which I had been
2 informed, and which skillfully caters to the needs
3 of certain domestic political groups. At first,
4 not only industry but likewise high Navy leaders
5 had favored a serious discussion of the American
6 proposal. Meanwhile he has used the interim to
7 influence the Admiral, especially pointing to the
8 activistic groups of young officers in the Army and
9 Navy who would determinedly resist such a policy.
10 On Saturday a solemn group consisting of the Prime
11 Minister, Minister of the Interior HIRANUMA and
12 the Chief of the Army gave their consent to the
13 interim reply which was communicated in the fore-
14 going report; and gave a vote of confidence. At
15 any rate, dealing with the American proposal will
16 lead to strained relations with economic circles.
17 He will try to manoeuvre tactically in such a way
18 that AMERICA will be pledged to non-participation
19 in the European war, the more so since from the
20 Fuehrer's speech he has gained the impression that
21 German policy is pursuing this aim. However, he
22 cherishes only meagre hopes as far as this is con-
23 cerned since he personally presumes that the
24 American developments in the direction of a
25

1 participation in the war will continue at a quick pace.
2 Just now he is having investigated the question
3 whether a Japanese protest is not called for even
4 against patrolling activity on the part of American
5 armed forces amounting to the arbitrary creation of
6 an American safety zone.

7 "He would be grateful for the earliest
8 possible information on the views of the German
9 Foreign Minister concerning the American proposal
10 /T.N. to be used/ for the unavoidable domestic
11 political discussion.

12 "As to the conclusion of the Russo-Japanese
13 neutrality pact, MATSUOKA reported that right after
14 his departure from BERLIN, he did not envision the
15 possibility of the settlement. During the conver-
16 sation with the German Foreign Minister he also
17 voiced this saying he would accept only in case
18 RUSSIA showed readiness. In his opinion the neutrality
19 pact was the off-shoot of Russian fear of Germany.
20 He found STALIN absolutely willing to keep the peace.
21 STALIN assured him that there could be no question
22 of RUSSIA's concluding a pact with the Anglo-Saxon
23 powers. One of his (MATSUOKA's) motives for con-
24 cluding the neutrality pact had been to provide
25 another hindrance to this pact. According to

1 STALIN, the SOVIET Union did not join the Tripartite
2 pact because the allied powers were not in need of
3 Russian assistance. However, in case this was nec-
4 essary, RUSSIA is prepared to co-operate extensively
5 with the Tripartite powers. When I remarked that
6 the SOVIET Union wanted to protect its rear and
7 asked what attitude Japan would adopt regarding
8 American shipments of armaments via VLADIVOSTOK
9 in case of a German-Russian conflict, MATSUOKA
10 answered as follows: No Japanese Premier or
11 Foreign Minister would ever be able to keep Japan
12 neutral in the event of a German-Russian conflict.
13 In this case, Japan would be driven, by the force
14 of necessity to attack Russia at Germany's side.
15 No neutrality pact could change this. Finally
16 MATSUOKA voiced his opinion that American partici-
17 pation in the war could induce the Fuehrer to resolve
18 upon a solution of the Russian question by violent
19 means in order firmly to secure areas of supply,
20 because the war would then probably drag on for a
21 longer term. He is personally convinced of a speedy
22 victory of the German forces in this case.

23 "I thanked MATSUOKA for his frank utterances,
24 promising him to ask the German Foreign Minister for
25 an opinion as soon as possible."

1 "During my conversation today I have, of
2 course, continued in my endeavors to direct Japanese
3 policy toward SINGAPORE, in opposition to American
4 interference manoeuvres and against the existing
5 Japanese tendency to pay attention primarily to
6 RUSSIA.

"OTT."

1 MR. E. WILLIAMS (Continuing): I now offer
2 in evidence I. P. S. document No. 219P (74) from
3 an exhibit marked for identification under 58, Item
4 One, excerpt from communication of Ambassador Grew
5 to MATSUOKA, dated May 6, 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 219P (74) will receive exhibit No. 1069.

9 (Whereupon, the document above referred
10 to was marked prosecution's exhibit No. 1069
11 and received in evidence.)

12 MR. E. WILLIAMS: We read prosecution's
13 exhibit No. 1069:

14 "THE AMERICAN AMBASSADOR IN JAPAN (GREW)
15 TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (MATSUOKA)

16 "Excerpt

17 "No. 1793

18 "TOKYO, May 6, 1941.

19 "EXCELLENCY: I have the honor to refer to
20 my note No. 1779 of April 14, 1941, addressed to
21 Prince KONOYE during Your Excellency's absence from
22 Japan, concerning the repeated indiscriminate bombing
23 of Kunming by the Japanese aircraft, and the danger to
24 American lives and damage to American property caused
25 thereby, and to inform Your Excellency that according

1 to information received from the American Consul at
2 that city, the Consulate was again seriously damaged
3 during an air raid on April 29, 1941. Window glass
4 and screens were blown out; plaster, a large memorial
5 tablet, and part of a wall were knocked down; and
6 dirt and debris were blown into the Compound.

7 Fortunately, there appear to have been no casualties."

8 We offer in evidence I. P. S. document
9 No. 220C (26) from exhibit 58, Volume II, for identi-
10 fication. This is a draft proposal handed by the
11 Japanese Ambassador NOMURA to the Secretary of State,
12 May 12, 1941.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 220C (26) will receive exhibit No. 1070.

16 (Whereupon, the document above referred
17 to was marked prosecution's exhibit No. 1070
18 and received in evidence.)

19 MR. E. WILLIAMS: We read prosecution's
20 exhibit No. 1070:

21 "DRAFT PROPOSAL HANDED BY THE JAPANESE
22 AMBASSADOR (NOMURA) TO THE SECRETARY OF STATE ON
23 MAY 12, 1941.

24 "CONFIDENTIAL MEMORANDUM AGREED UPON BETWEEN
25 THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE

1 GOVERNMENT OF JAPAN.

2 "The Governments of the United States and
3 of Japan accept joint responsibility for the initiation
4 and conclusion of a general agreement disposing the
5 resumption of our traditional friendly relations.

6 "Without reference to specific causes of
7 recent estrangement, it is the sincere desire of both
8 Governments that the incidents which led to the
9 deterioration of amicable sentiment among our peoples
10 should be prevented from recurrence and corrected in
11 their unforeseen and unfortunate consequences."

12 THE PRESIDENT: Is this any different from
13 that handed in this morning?

14 MR. E. WILLIAMS: Yes, sir. The one handed
15 in this morning was a proposal by some independent
16 persons submitted to the State Departments of the
17 Government. This is an official, confidential draft
18 proposal submitted by Japan.

19 THE PRESIDENT: The phraseology seems familiar.

20 MR. E. WILLIAMS: It is very similar, your
21 Honor. I may say, if the Court please, that several
22 of these proposals and counter-proposals, each of them
23 have phraseology very similar but differ substantially
24 in details. I continue to read from prosecution's
25 exhibit No. 1070.

(Reading continued): "It is our present
hope that, by a joint effort, our nations may establish
a just peace in the Pacific, and by the rapid
consummation of an entente cordiale (amicable understanding),
arrest, if not dispel, the tragic confusion
that now threatens to engulf civilization.

"For such decisive action, protracted
negotiations would seem ill-suited and weakening.
Both Governments, therefore, desire that adequate
instrumentalities should be developed for the realization
of a general agreement which would bind, meanwhile,
both Governments in honor and in act.

"It is our belief that such an understanding
should comprise only the pivotal issues of urgency
and not the accessory concerns which could be deliberated
at a conference and appropriately confirmed by
our respective Governments.

"Both Governments presume to anticipate that
they could achieve harmonious relations if certain
situations and attitudes were clarified or improved;
to wit:

"1. The concepts of the United States and of
Japan respecting international relations and the
character of nations.

"2. The attitude of both Governments toward

1 the European War.

2 "3. The relations of both nations toward the
3 China Affair.

4 "4. Commerce between both nations.

5 "5. Economic activity of both nations in
6 the Southwestern Pacific area.

7 "6. The policies of both nations affecting
8 political stabilization in the Pacific area.

9 "Accordingly, we have come to the following
10 mutual understanding:--

11 "1. The concepts of the United States and
12 of Japan respecting international relations and the
13 character of nations.

14 "The Governments of the United States and of
15 Japan jointly acknowledge each other as equally sovereign
16 states and contiguous Pacific powers.

17 "Both Governments assert the unanimity of
18 their national policies as directed toward the foun-
19 dation of a lasting peace and the inauguration of a
20 new era of respectful confidence and cooperation among
21 our peoples.

22 "Both Governments declare that it is their
23 traditional, and present, concept and conviction that
24 nations and races compose, as members of a family,
25 one household; each equally enjoying rights and admitting

1 responsibilities with a mutuality of interests regu-
2 lated by peaceful processes and directed to the pursuit
3 of their moral and physical welfare, which they are
4 bound to defend for themselves as they are bound not
5 to destroy for others; they further admit their responsi-
6 bilities to oppose the oppression or exploitation of
7 backward nations.

8 "Both governments are firmly determined that
9 their respective traditional concepts on the character
10 of nations and the underlying moral principles of
11 social order and national life will continue to be
12 preserved and never transformed by foreign ideas or
13 ideologies contrary to these moral principles and
14 concepts.

15 "II. The attitude of both Governments toward
16 the European War.

17 "The Governments of the United States and
18 Japan make it their common aim to bring about the
19 world peace; they shall, therefore, jointly endeavour
20 not only to prevent further extension of the European
21 War but also speedily to restore peace in Europe.

22 "The Government of Japan maintains that its
23 alliance with the Axis Powers was, and is, defensive
24 and designed to prevent the nations which are not at
25 present directly affected by the European War from

1 engaging in it.

2 "The Government of Japan maintains that its
3 obligations of military assistance under the Tripartite
4 Pact between Japan, Germany and Italy will be applied
5 in accordance with the stipulation of Article 3 of
6 the said Pact.

7 "The Government of the United States main-
8 tains that its attitude toward the European War is,
9 and will continue to be, directed by no such aggressive
10 measures as to assist any one nation against another.

11 "The United States maintains that it is
12 pledged to the hate of war, and accordingly, its
13 attitude toward the European War is, and will continue
14 to be, determined solely and exclusively by consider-
15 ations of the protective defense of its own national
16 welfare and security.

17 "III The relations of both nations toward
18 the China Affair.

19 "The Government of the United States,
20 acknowledging the three principles as enunciated in
21 the KONOYE Statement and the principles set forth
22 on the basis of the said three principles in the
23 treaty with the Nanking Government as well as in the
24 Joint Declaration of Japan, Manchukuo and China and
25 relying upon the policy of the Japanese Government

1 to establish a relationship of neighborly friendship
2 with China, shall forthwith request the Chiang Kai-
3 shek regime to negotiate peace with Japan.

4 "IV Commerce between both nations.

5 "When official approbation to the present
6 understanding has been given by both Governments,
7 the United States and Japan shall assure each other
8 to mutually supply such commodities as are, respective-
9 ly, available or required by either of them. Both
10 Governments further consent to take necessary steps
11 to the resumption of normal trade relations as formerly
12 established under the Treaty of Commerce and Navi-
13 gation between the United States and Japan.

14 "V. Economic activity of both nations in
15 the Southwestern Pacific area.

16 "Having in view that the Japanese expansion
17 in the direction of the Southwestern Pacific area is
18 declared to be of peaceful nature, American cooperation
19 shall be given in the production and procurement of
20 natural resources (such as oil, rubber, tin, nickel)
21 which Japan needs.

22 "VI The policies of both nations affecting
23 political stabilization in the Pacific area.

24 "a. The Government of the United States and
25 Japan jointly guarantee the independence of the

1 Philippine Islands on the condition that the Philippine
2 Islands shall maintain a status of permanent neutrality.
3 The Japanese subjects shall not be subject to any
4 discriminatory treatment.

5 "B. Japanese immigration to the United States
6 shall receive amicable consideration -- on a basis of
7 equality with other nations and freedom from discrim-
8 ination.

9 "Addendum.

10 "The present understanding shall be kept as
11 a confidential memorandum between the Governments of
12 the United States and of Japan.

13 "The scope, character and timing of the
14 announcement of this understanding will be agreed
15 upon by both Governments.

16 "(ANNEX)

17 "ORAL EXPLANATION FOR PROPOSED AMENDMENTS TO
18 THE ORIGINAL DRAFT.

19 "II. Par. 2.

20 "Attitude of Both Governments toward the
21 European War.

22 "Actually the meaning of this paragraph is
23 virtually unchanged but we desire to make it clearer
24 by specifying a reference to the Pact. As long as Japan
25 is a member of the Tripartite Pact, such stipulation

1 as is mentioned in the understanding seems unnecessary.

2 "If we must have any stipulation at all, in
3 addition, it would be important to have one which would
4 clarify the relationship of this understanding to
5 the aforementioned Pact.

6 "III

7 "China Affair.

8 "The terms for China-Japan peace as proposed
9 in the original understanding differ in no substantial
10 way from those herein affirmed as the 'principles of
11 KONOYE'. Practically, the one can be used to explain
12 the other.

13 "We should obtain an understanding, in a
14 separate and secret document, that the United States
15 would discontinue her assistance to the Chiang Kai-shek
16 regime if Chiang Kai-shek does not accept the advice
17 of the United States that he enter into negotiations
18 for peace.

19 "If, for any reason, the United States finds
20 it impossible to sign such a document, a definite
21 pledge by some highest authorities will suffice.

22 "The three principles of Prince KONOYE as
23 referred to in this paragraph are:

24 "1. Neighborly friendship;

25 "2. Joint defense against communism;

1 "3. Economic cooperation -- by which
2 Japan does not intend to exercise economic monopoly
3 in China nor to demand of China a limitation in the
4 interests of Third Powers.

5 "The following are implied in the afore-
6 side principles:

7 "1. Mutual respect of sovereignty and
8 territories;

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1 "2. Mutual respect for the inherent
2 characteristics of each nation cooperating as good
3 neighbors and forming a Far Eastern nucleus contrib-
4 uting to world peace;

5 "3. Withdrawal of Japanese troops from
6 Chinese territory in accordance with an agreement
7 to be concluded between Japan and China;

8 "4. No annexation, no indemnites;

9 "5. Independence of Manchoukuo.

10 "III.

11 "Immigration to China.

12 "The stipulation regarding large-scale
13 immigration to China has been deleted because it
14 might give an impression, maybe a mistaken impression,
15 to the Japanese people who have been offended by the
16 past immigration legislation of the United States,
17 that America is now taking a dictating attitude even
18 toward the question of Japanese immigration in China.
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20 "Actually, the true meaning and purpose of
21 this stipulation is fully understood and accepted by
22 the Japanese Government.

23 "IV.

24 "Naval, Aerial and Mercantile Marine Relations.

25 "(a) and (c) of this section have been
deleted not because of disagreement but because it

1 would be more practical, and possible, to determine
2 the disposition of naval forces and mercantile marine
3 after an understanding has been reached and relations
4 between our two countries improved; and after our
5 present China commitments are eliminated. Then we will
6 know the actual situation and can act accordingly.

7 "Courtesy visit of naval squadrons."

8 "This proposal, (b) of IV might better be
9 made a subject of a separate memorandum. Particular
10 care must be taken as to the timing, manner and scope
11 of carrying out such a gesture.

12 "V.

13 "Gold Credit."

14 "The proposal in the second paragraph of V
15 has been omitted for the same reasons as suggested the
16 omission of paragraphs (a) and (c).

17 "VI.

18 "Activity in Southwestern Pacific Area."

19 "The words, in the first paragraph, 'without
20 resorting to arms,' have been deleted as inappropriate
21 and unnecessarily critical. Actually, the peaceful
22 policy of the Japanese Government has been made clear
23 on many occasions in various statements made both by
24 the Premier and the Foreign Minister.

25 "VIII (VII).

1 "Political Stabilization in the Pacific Area.

2 "As the paragraph (a) implying military and
3 treaty obligation would require, for its enactment,
4 such a complicated legislative procedure in both
5 countries, we consider it inappropriate to include
6 this in the present understanding.

7 "Paragraph (b) regarding the independence
8 of the Philippine Islands has been altered for the
9 same reason.

10 "In paragraph (c) (d) the words 'and to
11 the Southwestern Pacific Area' have been omitted
12 because such questions should be settled, as necessity
13 arises, through direct negotiation with the authorities
14 in the Southwestern areas by the Governments of the
15 United States and of Japan respectively.

16 "Conference.

17 "The stipulation for holding a Conference
18 has been deleted. We consider that it would be better
19 to arrange, by an exchange of letters, that a conference
20 between the President and the Premier or between suit-
21 able representatives of theirs will be considered when
22 both the United States and Japan deem it useful to
23 hold such a conference after taking into due con-
24 sideration the effect resulting from the present
25 understanding."

1 "Announcement.

2 "In regard to the statement to be issued
3 on the successful conclusion of the present understand-
4 standing a draft will be prepared in Tokyo and
5 cabled to Washington for the consideration of the
6 United States Government."

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1 We offer in evidence I. P. S. document
2 No. 220C (27) from exhibit for identification 58,
3 Volume II. This is a draft suggestion from the
4 Secretary of State to the Japanese Ambassador on
5 May 16, 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment No. 220C (27) will receive exhibit No. 1071.

9 (Whereupon, the document above
10 referred to was marked prosecution's
11 exhibit No. 1071 and received in evidence.)

12 MR. E. WILLIAMS: We read prosecution's
13 exhibit No. 1071:

14 "(Annex 2)

15 "DRAFT SUGGESTION A HANDED BY THE SECRETARY
16 OF STATE TO THE JAPANESE AMBASSADOR ON MAY 16, 1941.

17 "II. THE ATTITUDES OF THE UNITED STATES
18 AND OF JAPAN TOWARD THE EUROPEAN WAR.

19 "The Government of Japan declares that the
20 purpose of its Axis Alliance was and is defensive and
21 is designed to prevent the nations which are not at
22 present engaged in the European war from participating
23 therein, and declares that its obligations of military
24 assistance under the Tripartite Pact between Germany,
25 Japan and Italy come into force only if and when one

1 of the parties of the pact is aggressively attacked
2 by a power not at present involved in the European
3 hostilities.

4 "The Government of the United States de-
5 clares that its attitude toward the European hostili-
6 ties is and will continue to be determined solely
7 and exclusively by considerations of protection and
8 self-defense: its national security and the defense
9 thereof.

10 "The Government of Japan further declares
11 that it is under no commitment under its Axis Alliance
12 or otherwise which is inconsistent with the terms of
13 the present declaration of policy and intention agreed
14 upon between the Government of Japan and the Government
15 of the United States.

16 "(Annex 3)

17 "DRAFT SUGGESTION B HANDED BY THE SECRETARY
18 OF STATE TO THE JAPANESE AMBASSADOR ON MAY 16, 1941.
19

20 "III. CHINA AFFAIRS.

21 "When this declaration of policy and in-
22 tention, including the provisions of this section,
23 is agreed upon and both Governments have given it
24 their approval and commitment, the President of the
25 United States will suggest to the Government of Japan
and the Government of China that those Governments

1 enter into a negotiation for a termination of
2 hostilities and resumption of peaceful relations
3 on a basis as follows:

4 "a. Neighborly friendship.
5 "b. Mutual respect of sovereignty and
6 territories.

7 "c. Withdrawal of Japanese troops from
8 Chinese territory in accordance with a schedule
9 to be agreed upon.

10 "d. No annexation.

11 "e. No indemnities.

12 "f. Equality of commercial opportunity
13 in terms of and with conditions of fair treatment
14 for all concerned.

15 "g. Parallel measures of defense against
16 subversive activities from external sources.

17 "h. The question of the future of Man-
18 churia to be dealt with by friendly negotiations.

19 "(Annex 4)

20 "DRAFT SUGGESTION C HANDED BY THE SECRETARY
21 OF STATE TO THE JAPANESE AMBASSADOR ON MAY 16, 1941.

22 "V. ECONOMIC ACTIVITY OF BOTH NATIONS IN
23 THE SOUTHWESTERN PACIFIC AREA.

24 "On the pledged basis of guarantee that
25 Japanese activity and American activity in the

1 Southwestern Pacific area shall be carried on by
2 peaceful means, the Japanese Government and the
3 Government of the United States agree to cooperate
4 each with the other toward ensuring on the basis of
5 equality of opportunity equal access by Japan and
6 by the United States to supplies of natural resources
7 (such as oil, rubber, tin, nickel) which each coun-
8 try needs for the safeguarding and development of
9 its own economy."

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1 We offer in evidence IPS document 219P (75)
2 from exhibit for identification 58, Volume I. This
3 is an excerpt from statement of Mr. Grew to MATSUOKA,
4 dated May 17, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 219P (75) will receive exhibit No. 1072.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1072 and received in evidence.)

11 MR. E. WILLIAMS: We read prosecution's
12 exhibit No. 1072:

13 "THE AMERICAN AMBASSADOR IN JAPAN (GREW)
14 TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS
15 (MATSUOKA)

16 "Excerpt.

17 No. 1802

"TOKYO, May 17, 1941.

18 "EXCELLENCY: With reference to my note No.
19 1793 of May 6, 1941, concerning repeated indiscrimin-
20 ate bombing of Kunming by Japanese aircraft, and the
21 consequent danger to American lives and damage to
22 American property, I have the honor to inform Your
23 Excellency that the American Consul at Kunming has
24 reported that the Consulate was again damaged during
25 a Japanese air raid on May 12, 1941. Fragments of

1 bombs were scattered in the Consulate Compound and
2 one piece broke through a window into a residence
3 bedroom.

4 "Moreover, during this same raid, the larger
5 part of the Compound occupied by Mr. Stanley McGeary,
6 an American clerk of the Consulate, was destroyed
7 and his residence so damaged as to render it barely
8 habitable, and for the third time recently the
9 China Inland Mission, where a number of Americans
10 live, was damaged and the residence there of Mr. E.
11 L. Crapuchettes, an American citizen, was partly
12 demolished."

13 We now tender in evidence IPS document No.
14 4060-A which is a document taken from the Nuernberg
15 files and is a telegram from Ott to Ribbentrop, dated
16 May 18, 1941, and is numbered 85,107-8.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 4060-A will receive exhibit No. 1073.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1073 and received in evidence.)

23 MR. E. WILLIAMS: We now read prosecution's
24 exhibit No. 1073:
25

1 "Telegram (Secret Cipher Process)
2 "Tokyo, 18 May 1941 Arrival 18 May 1941
3 "No. 759 of 17 May
4 "Marginal Note: Sent on to FUSCHL under
5 No. 1573 18 May 3.25 hours Tel. Ktr.
6 "For the German Foreign Minister
7 "Re: Telegram of 15th, No. 622.
8 "Today I have carried out the instructions
9 of the above mentioned telegram during a long con-
10 versation with Foreign Minister MATSUOKA.
11 "I stressed the especially immense regret
12 of the German Government that the German views of 11
13 May were not awaited before the reply to WASHINGTON
14 was sent off. Making use of the arguments of tele-
15 gram No. 592 of 11 May and No. 622 of 15 May, I have
16 pointed to the necessity of making America give the
17 most clear and precise assurance not to participate
18 in the European conflict; I also pointed out that the
19 formulation employed in the Japanese reply re Article
20 3 of the Tripartite Pact, constitutes the absolute
21 minimum of what must be demanded in view of the Tri-
22 partite Pact. The German Government must insist on
23 being immediately informed on the American reply, as
24 well as to be admitted to further negotiations be-
25 tween JAPAN and the USA!"

1 "MATSUOKA pointed to his oral communication
2 to HULL, reported in telegram No. 733 of (groups
3 garbled), as well as to his conversations with the
4 British and American ambassadors, reported in tele-
5 gram 750 of 15 May, which showed that he would not
6 jolt the Tripartite Pact. During a secret Cabinet
7 Session he had called upon all members of the Govern-
8 ment clearly to acknowledge Japan's obligations under
9 the Tripartite Pact on their part too, in all of their
10 conversations. All members of the Cabinet had agreed
11 unanimously. Besides he views the chances of the
12 Japanese-American Negotiations most skeptically, and
13 as heretofore he counts on America's entry into the
14 War in the near future. His sole motive in the neg-
15 otiations with USA is, if possible, to postpone or
16 prevent the entry of the United States into the war
17 and furthermore to eliminate the increase of the
18 present American assistance to England.
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20 "HULL has not yet taken a stand regarding
21 the Japanese proposal, merely promising a study which
22 would take a certain amount of time. He will immed-
23 iately inform us of the American reply, also keeping
24 abreast, and as far as possible consulting with the
25 allied governments of Germany and Italy on the fur-
ther course of the negotiations. When I demanded to

1 be admitted to the coming phase, he replied that he
2 would meet our desire to a great extent; he could,
3 however, not promise always to await the views of the
4 Axis Powers, especially when a quick utterance was
5 absolutely essential. I cogently requested MATSUOKA
6 to do nothing without Japan's allies in these nego-
7 tiations, which concerned the Tripartite Pact in its
8 entirety.

9 "Domestic political influences, to whose
10 pressure MATSUOKA has yielded in the face of the
11 allegedly imminent American entry into the War, can
12 be found among certain anglophiles of the Court,
13 such as Imperial Household Minister MATSUDAIRA, ex-
14 ponent of industry and big money, such as Minister
15 Without Portfolio OGURA, and some influential Navy
16 officers with whom Ambassador Admiral OPTURA/TN:
17 NOMURA/ has apparently worked together in WASHINGTON.
18 This group was joined by elements of the army who
19 want to gain time in order to retain freedom of
20 action in view of the uncertainty of RUSSIA's future
21 attitude. Minister of the Interior, HIRANUMA, has
22 probably acted in the same way; he had to resign when
23 the German-Russian non-aggression pact was concluded,
24 being a champion of a German-Japanese alliance against
25 RUSSIA. Finally, the activist group which is closely

1 working together with the Embassy, is at present
2 weakened by the serious illness of SHIRATORI who
3 was left the political struggle on account of a
4 serious and apparently incurable illness.

5 "OTT"

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1 We now offer in evidence IPS document No.
2 220C (18) from exhibit for identification 58, Volume
3 II, which is an excerpt from a summary of conversa-
4 tions prepared by the Department of State on May 19,
5 1942 but relating to conversations between United
6 States and Japan in 1941.

7 THE PRESIDENT: Admitted on the usual terms.
8 CLERK OF THE COURT: Prosecution's document
9 No. 220C (18) will receive exhibit No. 1074.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1074 and received in evidence.)

13 MR. E. WILLIAMS: We read prosecution's
14 exhibit No. 1074:

15 "SUMMARY OF CONVERSATIONS
16 "MEMORANDUM PREPARED IN THE DEPARTMENT OF STATE
17 "(WASHINGTON,) MAY 19, 1942.
18 "ACCOUNT OF INFORMAL CONVERSATIONS BETWEEN THE GOVERN-
19 MENT OF THE UNITED STATES AND THE GOVERNMENT OF JAPAN,
20 1941.

21 "Excerpts.

22 "!The equilibrium in the Far East which had
23 been established by the Washington Conference treaties
24 of 1921-1922 became seriously disturbed by the setting
25 up by forceful means in a part of China of a regime

under Japanese control under the name of "Manchukuo".
1 This control over Manchuria has been marked by the
2 carrying out of a policy of discrimination which has
3 resulted in forcing out American and other foreign
4 interests.
5

"During the years that followed, Japan went steadily forward in her preparations for expansion by force of arms. In December 1934, she gave notice of her intention to terminate the naval treaty of February 6, 1922. She then proceeded with intensified construction of military and naval armaments, at the same time undertaking, from time to time, limited actions directed toward an extension of her domination over China and involving disregard and destruction of the lawful rights and interests of other countries, including the United States.

"In July 1937, the armed forces of Japan embarked upon large-scale military operations against China. Invading forces of more than a million men occupied large areas along the seaboard and in the central provinces. In these areas there were set up puppet regimes which instituted systems of controls and monopolies discriminatory in favor of the interests of the invading country.

"It has been clear throughout that Japan

under Japanese control under the name of "Manchukuo".
This control over Manchuria has been marked by the
carrying out of a policy of discrimination which has
resulted in forcing out American and other foreign
interests.

"During the years that followed, Japan went steadily forward in her preparations for expansion by force of arms. In December 1934, she gave notice of her intention to terminate the naval treaty of February 6, 1922. She then proceeded with intensified construction of military and naval armaments, at the same time undertaking, from time to time, limited actions directed toward an extension of her domination over China and involving disregard and destruction of the lawful rights and interests of other countries, including the United States.

"In July 1937, the armed forces of Japan embarked upon large-scale military operations against China. Invading forces of more than a million men occupied large areas along the seaboard and in the central provinces. In these areas there were set up puppet regimes which instituted systems of controls and monopolies discriminatory in favor of the interests of the invading country.

"It has been clear throughout that Japan

under Japanese control under the name of "Manchukuo".

1 This control over Manchuria has been marked by the
2 carrying out of a policy of discrimination which has
3 resulted in forcing out American and other foreign
4 interests.

5 "During the years that followed, Japan went
6 steadily forward in her preparations for expansion by
7 force of arms. In December 1934, she gave notice of
8 her intention to terminate the naval treaty of Feb-
9 ruary 6, 1922. She then proceeded with intensified
10 construction of military and naval armaments, at the
11 same time undertaking, from time to time, limited
12 actions directed toward an extension of her domination
13 over China and involving disregard and destruction of
14 the lawful rights and interests of other countries, in-
15 cluding the United States.

16 "!In July 1937, the armed forces of Japan
17 embarked upon large-scale military operations against
18 China. Invading forces of more than a million men oc-
19 cupied large areas along the seaboard and in the cen-
20 tral provinces. In these areas there were set up
21 puppet regimes which instituted systems of controls
22 and monopolies discriminatory in favor of the inter-
23 ests of the invading country.

24 "!It has been clear throughout that Japan

1 has been actuated from the start by broad and ambitious
2 plans for establishing herself in a dominant position
3 in the entire region of the Western Pacific. Her
4 leaders have openly declared their determination to
5 achieve and maintain that position by force of arms
6 and thus to make themselves masters of an area con-
7 taining almost one-half of the entire population of
8 the world. As a consequence, they would have arbi-
9 trary control of the sea and trade routes in that
10 region.

11 "Previous experience and current develop-
12 ments indicate that the proposed "new order" in the
13 Pacific area means, politically, domination by one
14 country. It means, economically, employment of the
15 resources of the area concerned for the benefit of
16 that country and to the ultimate impoverishment of
17 other parts of the area and exclusion of the interests
18 of other countries. It means, socially, the destruc-
19 tion of personal liberties and the reduction of the
20 conquered peoples to the role of inferiors.

21 "It should be manifest to every person that
22 such a program for the subjugation and ruthless ex-
23 ploitation by one country of nearly one-half of the
24 population of the world is a matter of immense signi-
25 ficance, importance and concern to every other nation

1 wherever located.

2 "Notwithstanding the course which Japan has
3 followed during recent years, this Government has made
4 repeated efforts to persuade the Japanese Government
5 that her best interests lie in the development of
6 friendly relations with the United States and with
7 other countries which believe in orderly and peaceful
8 processes among nations. We have at no time made any
9 threats."

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1 We offer in evidence IPS document No. ·
2 1383B (18), a telegram from OSHIMA to MATSUOKA, dated
3 May 20, 1941.

4 THE PRESIDENT: Admitted on the usual terms.
5 CLERK OF THE COURT: Prosecution's document
6 No. 1383B (18) will receive exhibit No. 1075.

7 (Whereupon, the document above re-
8 ferred was marked prosecution's exhibit No.
9 1075 and received in evidence.)

10 MR. E. WILLIAMS: We read prosecution's
11 exhibit No. 1075::

12 "Copy of the Telegram of Ambassador OSHIMA
13 to Foreign Minister MATSUOKA, dispatched on 20 May
14 (T.N. Year is missing) (1941?) No. 567

15 "In connection with the rumor that you are
16 going to America, I heard various rumors here concern-
17 ing the problems of the negotiation between Japan
18 and America. Although from the interview with
19 Ribbentrop on 5th May, I learned that it was not a
20 mere rumor. Although I intended to go on without
21 touching this matter, in view of the tendency of
22 this matter, and considering the future of Japan and
23 of the influence of the Tripartite Pact, I can not
24 remain without some deep thoughts. As I believe that
25 it is my duty to inform you of the opinion of the

1 German staff and also of my frank opinion, I send
2 the separate telegrams No. 568 and No. 569.

3 "What I want to mention to you now is as
4 follows:

5 "You showed me the reason why you did not
6 inform this matter to the Italian Ambassador in Ger-
7 many two times recently. However, presently I have
8 no intentions of sounding out the problem of the con-
9 fidence in me or of my position towards the people
10 during the present critical period when the whole of
11 our nation should act upon the 'Way of the Imperial
12 Subjects' as its primary principle. Much less do I
13 try to sound your opinion, for the practice and tech-
14 nique of diplomacy belong to your department.

15 "But what I cannot understand is that you
16 think it is unnecessary to have me report the opin-
17 ions of the Staffs of Germany and Italy, when the
18 Japanese-American Agreement which has a very delicate
19 relation with the Tripartite Pact, is about to be con-
20 cluded. Therefore, from the standpoint of my duty
21 as an Ambassador to Germany, I could not keep silent,
22 and I expressed my opinion frankly in the separate
23 telegrams, although it might be unnecessary. I beg
24 you to take these circumstances into consideration.

25 (End)"

1 "Copy of the Telegram from Ambassador
2 OSHIMA to Foreign Minister MATSUOKA. No. 568

3 "1. On 3rd May Foreign Minister RIBBENTROP
4 asked me to visit him. When I called on him I was in-
5 formed about the telegram regarding the Japanese-
6 American negotiation. He said that although the tel-
7 egram was to be kept a secret from me and the Italian
8 Ambassador, as a friend to me, he revealed it to me
9 for my personal understanding, since the matter is
10 extremely serious. He then showed me the draft re-
11 garding the agreement proposed by America on 16 April.
12 The draft consisted of four articles. He (RIBBENTROP)
13 confessed that he was quite at a loss to understand
14 the real intention of the Japanese government, so I
15 answered him that Japan was observing the Tripartite
16 Pact as the basis of its diplomacy, as you (Foreign
17 Minister MATSUOKA) had clearly stated on your previ-
18 ous visit to Germany. I further told him that, accord-
19 ingly, there was no reason to conclude such a treaty
20 between Japan and America contrary to the Tripartite
21 Pact. Thus, I avoided being concerned in this matter.

22 "2. But on 9th of May RIBBENTROP asked me
23 to visit him again, and he showed me OTT's telegram
24 of the draft of the intermediary answer of Japan to
25 America and also the telegraphic record of the con-

ference between you and OTT which was held on 6th
of May. RIBBENTROP seemed to have understood the
affair clearly from the frequent telegrams sent by
OTT, and according to the said intermediate reply,
it is supposed that Japan has consulted regarding
the understanding with America to a considerable ex-
tent, and to tell you frankly, according to the in-
formations that Germany has gathered, from various
sources, there is a report that the proposal was made
by Japan. Gathering from the conversation of For-
eign Minister MATSUOKA and OTT, it seems to me that
Foreign Minister MATSUOKA was compelled by a certain
group to consent to it. Moreover, it is reported
that Foreign Minister MATSUOKA during the course of
that conference stated that Japan will participate
in a Russo-German war, if it should break out. When
Foreign Minister MATSUOKA visited Germany recently,
he said, as his personal opinion, that Japan was going
to attack SINGAPORE, but it seems that you have
changed your opinion.

"I have some doubts as to the true inten-
tion of ROOSEVELT.

"If you should become obliged to conclude
this agreement in order to avoid the participation
in a remotely possible war, the Tripartite Pact would

1 in reality become meaningless even if it may be poss-
2 ible to hit upon some legal pretext. Moreover, I
3 believe that in Japan's progress, she will lose the
4 chance to establish her right for leadership in East
5 Asia. After lengthy thoughts concerning this prob-
6 lem, I thought of the following two plans from the
7 German viewpoint.

8 "(a) Plan to refuse the proposal of Ameri-
9 ca.

10 "(b) Plan to conclude the Japanese-Ameri-
11 can agreement under the condition that America main-
12 tain a neutral attitude without extending 'convoy'
13 patrol lines.

14 "RIBBENTROP asked my (Ambassador OSHIMA)
15 opinion, saying that he wished to report plan (a)
16 to the Fuhrer as he believed it to be a good one.
17 Therefore, although I did not receive any instruction,
18 I conjectured the intention of the Japanese government
19 from common sense, and, as my personal opinion, insis-
20 ted upon plan (b) explaining that (b) would be much
21 more advantageous to Germany. The reasons that I ex-
22 plained to RIBBENTROP were as follows:

23 "If plan (b) are adopted, Germany will be
24 able to fight a single combat against Britain and
25 terminate the war in a short time. Again, although

1 it might be wishful thinking, perhaps the 'ROOSEVELT
2 faction' may recognize the fact that America's assis-
3 tance to Britain would be useless, and would make it
4 a reason to alleviate America's assistance to Britain.

5 "Even in case of its failure, it is useful
6 at least for ascertaining ROOSEVELT's actual inten-
7 tions concerning the assistance to Britain. Thirdly,
8 it will enable those Japanese who went the cooperation
9 with America to realize its impossibility. However,
10 RIBBENTROP said that America would utilize this nego-
11 tiation to estrange Japan from Germany, as long as
12 this negotiation continued, and he ~~repeated the same~~ cited the content of
13 thing in telegram No. 545 (dispatched to TURKEY, No.
14 11). He further stated that it is possible for America
15 to utilize it as propaganda material to convince the
16 anti-war faction in America that America could now
17 advance to the Atlantic Ocean because of the
18 elimination of apprehension in Pacific area, and
19 consequently the situation would become very dangerous
20 to Germany. Therefore, he did not agree with my
21 opinion, and said that at any rate this problem has
22 not yet been decided by the Fuhrer, so he wanted
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1 to send a telegram on the evening of the same day
2 to the Fuhrer, who was out of BERLIN, for a decision.
3 At the same time, he wished to report my opinion to
4 the Fuhrer. Then I asked him whether or not he
5 had consulted with Italy already. To my question
6 he answered that Italy had already received all
7 the reports from Ambassador INDERLI, but he had
8 not yet consulted directly with the Italian govern-
9 ment, but that as soon as he received the decision
10 of the Fuhrer, he wished to send the telegram to
11 OTT so that he might consult Italy.
12

"2. As I made a promise to Prime Minister
13 MUSSOLINI to visit him at the beginning of this
14 month, I started for ROME on the night of the 10th.
15 On the morning of the 12th, Minister BISMARCK visited
16 me, and by orders of RIBBENTROP, he showed me the
17 telegraphic instructions to OTT and added that the
18 Italian government had the same opinion as Germany.
19 After I read that instruction, I recognized that the
20 Fuhrer had made a different decision from that of
21 RIBBENTROP. In the afternoon of 13th, RIBBENTROP
22 flew unexpectedly to ROME and met MUSSOLINI and
23 CIANO on the same day, and asked me to visit him
24 on the morning of the 14th. When I went to see
25 him, he showed me the telegram from OTT concerning

1 the interview on the 12th, between you (Foreign
2 Minister MATSUOKA) and the two Ambassadors of
3 Germany and Italy in Tokyo. He expressed deep
4 discontentment at your statement that you had
5 been in a position where you were compelled to
6 commence with the negotiation with America and
7 that because of internal reasons, you were unable
8 to await the arrival of opinions from Germany and
9 Italy. He asked reproachfully why couldn't you
10 await the telegraphic instructions when they were
11 sure to arrive in several days. I told him that
12 although I was not aware of the circumstances,
13 I guessed that Japan was compelled to take such
14 a measure because of the following reasons: It
15 was necessary for Japan to conclude the agreement
16 as soon as possible to maintain secrecy, and in
17 Japan such important negotiations as this must be
18 privately reported to the Emperor. I added that
19 I believed that the agreement was not made out of
20 inconsideration to Germany and Italy. RIBBENTROP,
21 however, would not readily accept my words. He
22 said that when you (Foreign Minister MATSUOKA)
23 visited Germany, he met you (MATSUOKA) many times
24 but he did not hear anything substantial concerning
25 the Japanese-American agreement which is closely

1 related to the Tripartite Pact. He said that it
2 came as a great surprise to him when he received
3 such a report soon after you (Foreign Minister
4 MATSUOKA) returned to Japan. He continued that
5 frankly he was much afraid that the agreement might
6 make the Tripartite Pact automatically meaningless.
7 He also said that as he (RIBBENTROP) had remarked
8 the other day, he did not believe ROOSEVELT from
9 the very beginning, and that although his opinion
10 was to advise Japan to refuse the American proposal
11 he had to send a telegraphic instruction contrary
12 to his own opinion. Hearing that I told him that
13 it was a great pity to have a misunderstanding
14 between Japan and Germany concerning this matter,
15 so I gave advice to him that it was very necessary
16 to inform OTT of his opinion, to make the facts
17 clear and certain. When I visited Foreign Minister
18 CIANO on the evening of the same day, it seemed that
19 an interview had already taken place between RIBBENTROP,
20 MUSSOLINI and CIANO, since CIANO expressed the same
21 opinion as RIBBENTROP.

22
23 "3. No sooner did I return to BERLIN on
24 May 17th, than I was asked by Vice Minister WEISEGGER
25 to visit him. When I called on him, he, by the
telegraphic order of RIBBENTROP at FUSSELL, showed

1 me a draft of Japan's answer to America which was
2 telegraphed by OTT on the 14th, and the draft of
3 the instruction of the German government to OTT
4 concerning Japan's answer to America. He (WEISEGGER)
5 said that as he received the order only to show me
6 (Ambassador OSHIMA) the telegram, he will not express
7 any opinion, but that in view of the present political
8 situation, the German government had a deep concern
9 about the result of this problem. He added that
10 the German government attached great importance to
11 Foreign Minister MATSUOKA's statement to OTT to
12 the effect that Japan would attack the U.S.S.R.
13 in case of a Russo-German war. He (WEISEGGER)
14 then asked me whether or not Foreign Minister
15 MATSUOKA understood the true state of affairs
16 between Germany and Russia when he returned from
17 his stay in Germany. I told him that I did not
18 know what the Foreign Minister had revealed con-
19 cerning Japan's attitude toward a Russo-German
20 war, but that in Japan, such an important matter
21 as this should be decided by the Emperor, and that
22 probably Foreign Minister MATSUOKA must have expressed
23 his personal opinion. I further added that since
24 the Foreign Minister had many interviews with Foreign
25 Minister RIBBENTROP during his stay in Germany I had

1 no doubt that you (MATSUOKA) were aware of the real
2 relationship between Germany and Soviet Russia. (End)"
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1 "Telegram No. 569 sent by Ambassador
2 OSHIMA to Foreign Minister MATSUOKA.

3 "1. As I reported in the separate telegram,
4 the German government has a deep dissatisfaction con-
5 cerning the problem of the Japanese-American agreement,
6 and has much apprehension about the future of the
7 Tripartite Pact. Since America is actually partici-
8 pating in the war, if Japan, ignoring the present
9 circumstances, should conclude an agreement with America,
10 it would be very natural for Germany to suspect that
11 Japan is trying to check America's participation in
12 the war, and at the same time trying to avoid her own
13 obligation of participating in the war. When you came
14 to Germany, all the people in Germany heartily wel-
15 comed you, and delighted in the strengthening of the
16 'Axis'. Since this is directly after that occasion,
17 the feeling that Germany was betrayed is very strong.
18

19 "2. I am well aware of Japan's desire to
20 solve the China Incident as soon as possible in order
21 to have time to spare for politics, economy and other
22 fields. However, the European war is developing very
23 favourably for Germany and Italy. In a few months,
24 very important developments are expected, and if at
25 this time Japan should lose the confidence and trust
of Germany and Italy who will become the leaders in

1 Europe, simply for an immediate profit, it is very
2 unfavourable. Needless to say, America seems to have
3 proposed the agreement as a temporary measure for es-
4 tranging Japan from the Tripartite Alliance. I am
5 afraid that such a two-faced diplomacy should lead Japan
6 to an absolute international isolation during the cri-
7 tical period which may arise after the war.

8 "3. Aside from the point that if Japan solves
9 the China Incident with the support of America, she
10 will leave an uneradicated root of future calamity, I
11 express my apprehension that should Japan lose this op-
12 portunity to expand southward and the possibility of
13 attacking SINGAPORE at random, she will invite the con-
14 tempt of not only America and Britain, but also those
15 of Germany and Italy. And, should America, taking
16 advantage of the elimination of fear in the Pacific
17 area, reinforce her assistance to Britain, the devel-
18 opment of the European War would greatly be affected
19 although America may avoid nominal participation in
20 the war. Subsequently, Japan may suffer from some un-
21 expected calamity. Moreover, should Japan abandon her
22 right to leadership in the Southern regions for the
23 sake of America, it is clear that Japan cannot stress
24 the leadership to Germany and Italy. This will mean
25 that Japan abandoned her great mission to establish

1 a new order in the Greater East Asia.

2 "4. Last autumn, Japan concluded the Tripar-
3 tite Pact, and the road our people should follow was
4 made clear. But, if Japan should conclude the Japa-
5 nese-American Agreement now, our people in Japan would
6 be bewildered as to which path they should follow.
7 Moreover, our friendly countries will despise Japan
8 and will not trust Japan any longer. Subsequently,
9 Japan will fall into international isolation, and will
10 gain nothing. Therefore, I hope earnestly that the
11 Japanese Government will embody the following two
12 points, if the conclusion of the agreement is unavoid-
13 able:

14 "(a) As conditions to the conclusion of the
15 Japanese-American Agreement, it is absolutely necessary
16 for Japan that she should make use of her situation
17 over America, and establish the idea of the Tripartite
18 Pact, by upholding the principle that Japan is to facil-
19 itate the battle of Germany and Italy against Britain.
20 Again, Japan should demand America's neutrality in
21 the European war, and at the same time, make clear that
22 Japan has an obligation to participate in the war,
23 based upon the Tripartite Pact. If America does not
24 accept our proposal, Japan must not conclude the agree-
25 ment."

1 "(b) It is most unfavourable for Japan to
2 give the impression to Germany and Italy that the Japa-
3 nese government is compelled to conclude the agree-
4 ment on account of the increasing influence of a party
5 in Japan that wants status quo. The conclusion of
6 the Japanese-American agreement will only make Germany
7 and Italy increasingly suspect that Japan took this
8 action in order to avoid the obligation to participate
9 in the war. Therefore, concerning the Japanese-Ameri-
10 can negotiation, Japan has to exchange frank opinions
11 with Germany and Italy, and must thoroughly convince
12 Germany and Italy about the purport of article (a)."
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1 MR. E. WILLIAMS: Offering in evidence
2 IPS document No. 1383-B (20), a telegram from OSHIMA
3 to Foreign Minister MATSUOKA, dated May 21, 1941.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1383-B (20) will receive exhibit No. 1076.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1076 and received in evidence.)

10 MR. E. WILLIAMS: We read prosecution's
11 exhibit No. 1076:

12 "Minister - Vice-Minister. submitted separately.
13 Chief of AMERICA Bureau. Chief of EUROPE-ASIA Bureau.
14 Translator's Note. These notations were marked in
15 the margin.

16 "SECRET -- Embassy CHO Code.

17 "(Translator's Note. In the copy, there are 2
18 stamps indicating TOP SECRET.)

19 "Dispatched A.M. May 21, 1941 from BERLIN.

20 "Arrived P.M. May 21, 1941 this office.

21 "To the Foreign Minister from Ambassador OSHIMA.
22 "No. 575.

23 "The JAPANESE-AMERICAN Agreement now under
24 negotiation, is thought to be important change in
25 the national policy, and it concerns greatly with

1 the plans of the JAPANESE military and naval
2 attaches in Germany. Therefore, recognizing the
3 fact that it is necessary to transmit this agreement
4 to them beforehand, telegrams No. 567, No. 568, and
5 No. 569 were sent exclusively to both attaches today,
6 the 20th. As regards this matter, I wish you will
7 inform the War Minister, the Naval Minister, the
8 Chief of General Staff, and the Chief of the Navy
9 General Staff."

10 THE PRESIDENT: Mr. Chief of Counsel.

11 MR. KEENAN: May it please the Tribunal, we
12 offer in evidence IPS document 220C (28) from ex-
13 hibit for identification 58, Volume 2, an excerpt
14 from memorandum of conversation between Ambassador
15 Morris and the Secretary of State, 28 May 1941.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 220C (28) will receive exhibit No. 1077.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit No.
21 1077 and received in evidence.)

22 MR. KEENAN: (heading)

23 "MEMORANDUM OF A CONVERSATION. (WASHINGTON)
24 May 28, 1941.

25 "The Ambassador commented that under the

1 Japanese consitutional system other ministers in
2 addition to the Foreign Minister are consulted in
3 matters relating to foreign policy.

4 "The Secretary said that in his consideration
5 of the matters we have been exploring a difficulty
6 has been presented by questions involving the re-
7 lations of our respective countries toward the
8 European war. Mr. MATSUOKA since his return from
9 Europe, according to reports widely published in the
10 press, has been making declarations on every occasion
11 in regard to Japan's obligations under the Tri-
12 partite Alliance in the matter of supporting Ger-
13 many in the event of American entry into the war.
14 He said that, if we went into an agreement with
15 Japan, critics would assert, unless the Japanese
16 Government could clarify its attitude toward its ob-
17 ligations under the Tripartite Alliance in the event
18 that the United States should be drawn into the
19 European war through action in the line of self-
20 defense, that there was no assurance as to Japan's
21 position. The Secretary referred to the President's
22 speech of the previous evening and reviewed that the
23 Secretary had previously said publicly and also to
24 the Ambassador in regard to the attitude of this
25 country toward maintaining the freedom of the seas

1 against Hitler as an essential measure of self-
2 defense.

3 "The Secretary then brought up the question of
4 the withdrawal of Japanese troops from China and
5 asked the Ambassador to indicate what the Japanese
6 Government had in mind.

7 "The Ambassador indicated, in reply to specific
8 questions, that such evacuation would not include
9 troops retained in China under the provision of
10 cooperative defense against communistic activities.
11 He contemplated an arrangement being negotiated with
12 China similar to the Boxer Protocol under which
13 Japanese troops would be stationed for an indefinite
14 period in North China and Inner Mongolia. The Am-
15 bassador said he could not indicate approximately
16 how many troops it was proposed to station in China
17 under such an arrangement or define precisely the
18 areas in which the arrangement would be operative.

19 "The Secretary commented that it seemed to him
20 important that relations between China and Japan should
21 be adjusted on a basis which would offer permanent
22 promise of friendship between the two countries; that
23 the continued presence of Japanese troops in China
24 would be a factor operating against such friendship,
25 as the presence of these troops tended to produce
incidents and friction."

1 MR. KEENAN: Prosecution now offers in evidence
2 IPS document 220C (29) from exhibit for identification
3 58, volume 2. This is American draft of proposal,
4 dated 31 May 1941, handed to Ambassador NOMURA.

THE PRESIDENT: Admitted on the usual terms.

6 MR. KEENAN: I wish to state respectfully to
7 the Court that the prosecution places great emphasis
8 upon this document for reasons that will be obvious
9 in its examination.

10 CLERK OF THE COURT: Prosecution's document
11 No. 220C (29) will receive exhibit No. 1078.

12 (Whereupon, the document above referred
13 to was marked prosecution's exhibit No. 1078 and
14 received in evidence.) .

15 MR. KEENAN: (Reading)

16 "American Draft Proposal Handed to the
17 Japanese Ambassador (NOMURA) on May 31, 1941.

18 "Washington, May 31, 1941.

19 "Unofficial, Exploratory and without Commit-
20 ment.

21 "The Governments of the United States and of
22 Japan accept joint responsibility for the initiation
23 and conclusion of a general agreement of understand-
24 ing as expressed in a joint declaration.

"without reference to specific causes of

1 recent estrangement, it is the sincere desire of both
2 Governments that the incidents which led to the deter-
3 ioration of amicable sentiment between their countries
4 should be prevented from recurrence and corrected in
5 their unforeseen and unfortunate consequences..

6 "It is our present hope that, by a coopera-
7 tive effort, the United States and Japan may contri-
8 bute effectively toward establishment and preservation
9 of peace in the Pacific area; and, by the rapid con-
10 summation of an amicable understanding, arrest, if not
11 dispel, the tragic confusion that now threatens to
12 engulf civilization.

13 , "For such decisive action, protracted negoti-
14 ations would seem ill-suited and weakening. Both
15 Governments, therefore, desire that adequate instru-
16 mentalities should be developed for the realization of
17 a general understanding which would bind, meanwhile,
18 both Governments in honor and in act.

19 "It is the belief of the two Governments
20 that such an understanding should comprise only the
21 pivotal issues of urgency and not the accessory con-
22 cerns which could be deliberated at a conference.

23 "Both Governments presume to anticipate that
24 they could achieve harmonious relations if certain
25 situations and attitudes were clarified or improved;

1 to wit:

2 "1. The concepts of the United States and
3 of Japan respecting international relations and the
4 character of nations.

5 "2. The attitudes of both Governments toward
6 the European war.

7 "3. Action toward a peaceful settlement be-
8 tween China and Japan.

9 "4. Commerce between both nations.

10 "5. Economic activity of both nations in the
11 Pacific area.

12 "6. The policies of both nations affecting
13 political stabilization in the Pacific area.

14 "7. Neutralization of the Philippine Islands.

15 "Accordingly, the Government of the United
16 States and the Government of Japan have come to the
17 following mutual understanding and declaration of
18 policy:

19 "I. The Concepts of the United States and
20 of Japan respecting international relations and the
21 character of nations.

22 "Both Governments affirm that their national
23 policies are directed toward the foundation of a last-
24 ing peace and the inauguration of a new era of

1 reciprocal confidence and cooperation among our peoples.

2 "Both Governments declare that it is their
3 traditional, and present, concept and conviction that
4 nations and races compose, as members of a family,
5 one household; each equally enjoying rights and admitting
6 responsibilities with a mutuality of interests regulated
7 by peaceful processes and directed to the pursuit of
8 their moral and physical welfare, which they are bound
9 to defend for themselves as they are bound not to
10 destroy for others; they further admit their responsi-
11 bilities to oppose the oppression or exploitation of
12 other nations.

13 "Both Governments are firmly determined that
14 their respective traditional concepts on the character
15 of nations and the underlying moral principles of
16 social order and national life will continue to be
17 preserved and never transformed by foreign ideas or
18 ideologies contrary to those moral principles and con-
19 cepts.

20 "II. The attitudes of both Governments toward
21 the European war.

22 "The Government of Japan maintains that the
23 purpose of the Tripartite Pact was, and is, defensive
24 and is designed to prevent the participation of nations
25 in the European war not at present involved in it."

1 "Obviously, the provisions of the Pact do not apply to
2 involvement through acts of self-defense.

3 "The Government of the United States maintains
4 that its attitude toward the European hostilities is
5 and will continue to be determined solely and exclusive-
6 ly by considerations of protection and self-defense;
7 its national security and the defense thereof.

8 "III. Action toward a peaceful settlement
9 between China and Japan.

10 "The Japanese Government having communicated
11 to the Government of the United States the general
12 terms within the framework of which the Japanese Govern-
13 ment will propose the negotiation of a peaceful settle-
14 ment with the Chinese Government, which terms are
15 declared by the Japanese Government to be in harmony
16 with the KONOYE Principles regarding neighborly friend-
17 ship and mutual respect of sovereignty and territories
18 and with the practical application of those principles,
19 the President of the United States will suggest to the
20 Government of China that the Government of China and
21 the Government of Japan enter into a negotiation on a
22 basis mutually advantageous and acceptable for a ter-
23 mination of hostilities and resumption of peaceful
24 relations.
25

"Note: (The foregoing draft of Section III

1 is subject to further discussion of the question of
2 cooperative defense against communistic activities,
3 including the stationing of Japanese troops in
4 Chinese territory.)"

5 THE PRESIDENT: This is a convenient break,
6 Mr. Keenan. We will recess now for fifteen minutes.

7 (Whereupon, at 1445, a recess was
8 taken until 1500, after which the proceedings
9 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Mr. Chief of Counsel.

4 MR. KEENAN: (Reading)

5 "IV. Commerce between both nations.

6 "When official approbation to the present
7 understanding has been given by both governments,
8 the United States and Japan shall assure each
9 other mutually to supply such commodities as are,
10 respectively, available and required by either of
11 them. Both Governments further consent to take
12 necessary steps to resume normal trade relations
13 as formerly established under the Treaty of Commerce
14 and Navigation between the United States and Japan.
15 If a new commercial treaty is desired by both
16 Governments, it would be negotiated as soon as
17 possible and be concluded in accordance with usual
18 procedures.

19 "V. Economic activity of both nations
20 in the Pacific area.

21 "On the basis of mutual pledges hereby
22 given that Japanese activity and American activity
23 in the Pacific area shall be carried on by peaceful
24 means and in conformity with the principle of non-
25 discrimination in international commercial relations,

1 the Japanese Government and the Government of the
2 United States agree to cooperate each with the other
3 toward obtaining non-discriminatory access by Japan
4 and by the United States to commercial supplies of
5 natural resources (such as oil, rubber, tin,
6 nickel) which each country needs for the safe-
7 guarding and development of its own economy.

8 "VI. The policies of both nations affecting
9 political stabilization in the Pacific area.

10 The Japanese Government and the Government
11 of the United States declare that the controlling
12 policy underlying this understanding is peace in
13 the Pacific area; that it is their fundamental
14 purpose, through cooperative effort, to contribute
15 to the maintenance and the preservation of peace
16 in the Pacific area; and that neither has territorial
17 designs in the area mentioned.

18 "VII. Neutralization of the Philippine
19 Islands.

20 The Government of Japan declares its
21 willingness to enter at such time as the Government
22 of the United States may desire into negotiation
23 with the Government of the United States with a
24 view to the conclusion of a treaty for the neutrali-
25 zation of the Philippine Islands, when Philippine

1 independence shall have been achieved."

2 The following annex is a part of the
3 document as delivered.

4 "ANNEX AND SUPPLEMENT ON THE PART OF THE
5 JAPANESE GOVERNMENT

6 "III. Action toward a peaceful settlement
7 between China and Japan.

8 "The basic terms as referred to in the
9 above section are as follows:

10 "1. Neighborly friendship.

11 "2. (Cooperative defense against injurious
12 communistic activities--including the stationing of
13 Japanese troops in Chinese territory.) Subject to
14 further discussion.

15 "3. Economic cooperation -- by which China
16 and Japan will proceed on the basis of non-discrimi-
17 nation in international commercial relations.

18 "4. Mutual respect of sovereignty and
19 territories.

20 "5. Mutual respect for the inherent
21 characteristics of each nation cooperating as
22 good neighbors and forming a Far Eastern nucleus
23 contributing to world peace.

24 "6. Withdrawal of Japanese military and
25 naval forces from Chinese territory and Chinese

1 waters as promptly as possible and in accordance
2 with an agreement to be concluded between Japan and
3 China.

- 4 "7. No annexation.
5 "8. No indemnities.
6 "9. Amicable negotiation in regard to
7 Menchukuo."

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1 If the Court please, I would like to offer
2 with its permission an explanation that it is -- we
3 believe it will be obvious from the foregoing and
4 subsequent documents that we were requested by the
5 Japanese to state -- the United States, to state its
6 views with reference to the European War, and this
7 was compliance with that request.

8 We offer in evidence IPS document 220-C(30)
9 from exhibit 58 for identification, Volume II. This
10 is American statement handed to Ambassador NOMURA,
11 May 31, 1941.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 220-C(30) will receive exhibit No. 1079.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1079, and was received in evidence.)

18 MR. KEENAN: May I be permitted to state to
19 the Court that this document relates to the last read
20 and it is an oral explanation, as it so states.

21 I call the Court's attention respectfully,
22 at this time, to our previous exhibit 1070, dated
23 May 12, 1941.

24 (Reading) "American Statement Handed to the
25 Japanese Ambassador (NOMURA) on May 31, 1941.

1 "May 31, 1941. Unofficial, Exploratory and
2 Without Commitment.

3 "Oral Explanation for Suggested Amendments
4 to the Japanese Draft."

5 The draft referred to, I believe, is the
6 exhibit that I just called the Court's attention to.

7 "Introductory Statement.

8 "A few minor changes have been made in
9 phraseology with a view to clarifying the meaning.

10 "In the list of points enumerated on page
11 two of the Japanese draft, the title of Section III
12 has been altered to conform more accurately to the
13 subject matter, the word 'Southwestern' has been omitted
14 from point numbered five and, in view of the new
15 subject matter under point Six (for explanation see
16 infra), part of the subject matter under point six
17 in the Japanese draft has been incorporated in an additional
18 section, the title of which is therefore listed,
19 and part of the subject matter in Section VI of the
20 Japanese draft has been omitted (for explanation see
21 infra).

22 "I. The concepts of the United States and
23 of Japan respecting international relations and the
24 character of nations.

25 "The first paragraph has been omitted inas-

1 much as the statement of fact is a self-evident one.

2 "In the third paragraph of the Japanese
3 draft there has been substituted for the word 'backward'
4 the word 'other' in order to maintain consistency with
5 principles relating to equality of races and peoples.

6 "III. The attitudes of both Governments toward
7 the European war.

8 "The first paragraph of the Japanese draft
9 has been omitted in order to avoid any implication of
10 inconsistency with statements made by the President to
11 the effect that the present is not an opportune time
12 for the American Government to endeavor to bring about
13 peace in Europe.

14 "To the second paragraph of the Japanese draft
15 a new sentence has been added to emphasize the aspect
16 of self-defense.

17 "The third paragraph has been omitted inas-
18 much as the text of the Tripartite Pact has been pub-
19 lished and no purpose would appear to be served by
20 express reference to any of its provisions.

21 "The fourth paragraph of the Japanese draft
22 has been revised to emphasize the protective and self-
23 defense character of the attitude of the United States
24 toward the European hostilities.

25 "A statement in the Annex and Supplement on

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1 the part of the Government of the United States con-
2 trains an elaboration of this Government's viewpoint
3 toward the military movement of conquest inaugurated
4 by Chancellor Hitler.

5 "III. Action toward a peaceful settlement
6 between China and Japan.

7 "As already stated, the title has been alter-
8 ed to describe more accurately the contents.

9 "The statement in the Japanese draft has been
10 rewritten to keep the underlying purport and at the
11 same time to avert raising questions which do not seem
12 fundamental to the basic subject and which are contro-
13 versial in character and might present serious diffi-
14 culties from the point of view of the United States.

15 "The statement in the Japanese Annex and Sup-
16 plement in regard to this section has also been re-
17 vised in a few particulars in conformity with the con-
18 siderations mentioned in the preceding paragraph. In
19 addition, point numbered three in regard to economic
20 cooperation has been rephrased so as to make it clear
21 that China and Japan intend to follow in their economic
22 relations the principle of nondiscrimination in inter-
23 national commercial relations, a principle to which it
24 is understood the Japanese Government and the Chinese
25 Government have long subscribed and which principle

1 forms the foundation of the commercial policy of the
2 United States. As it is assumed that the term
3 'troops' in point numbered six is meant to include
4 all armed forces, the language of this point has been
5 slightly rephrased to avoid possible ambiguity.

6 "As already stated, the question relating
7 to communistic activities, including the stationing
8 of Japanese troops in Chinese territory, is subject
9 to further discussion.

10 "IV. Commerce between both nations.

11 "A statement is included in the Annex and
12 Supplement on the part of the United States clarifying
13 the point that as a temporary measure during the present
14 international emergency it is understood that each
15 country may restrict export of commodities which it
16 needs for its own purposes of security and self-defense.

17 "V. Economic activity of both nations in
18 the Pacific area.

19 "The language of this section has been re-
20 phrased to make the provisions thereof applicable
21 equally to the United States and to Japan.

22 "VI. The policies of both nations effecting
23 political stabilization in the Pacific area.

24 "This section has been revised to make it
25 consist of a clear-out statement of the fundamental

1 purpose of the understanding. The thought in mind is
2 to give emphasis to this purpose so that the document
3 may speak for itself on this all-important subject.

4 "The statement of fundamental purpose has
5 been assigned a section by itself in order that it
6 may gain added emphasis.

7 "The statement in the Japanese draft in re-
8 gard to the Philippine Islands has been dealt with in
9 a new section bearing number VII.

10 "The statement in regard to Japanese immi-
11 gration has been omitted in view of the established
12 position of the United States that the question of
13 immigration is a domestic matter. For that reason, to
14 attempt to include a statement on this subject would
15 stand in the way of the underlying purposes of the
16 agreement.

17 "VII. Neutralization of the Philippine
18 Islands.

19 "The phraseology of this section has been
20 altered so as to bring it into conformity with the
21 language of the Tydings-McDuffie Act, approved March
22 24, 1934.

23 "Addendum

24 "In view of the traditional policy of the
25 United States and various practical considerations

1 in the United States, important difficulties would
2 be presented should the Government of the United States
3 endeavor to keep secret the understanding under refer-
4 ence together with its annexes. This Government could
5 probably arrange to keep the understanding secret for
6 a period of a few weeks, during which time it believes
7 that the two Governments should work out procedures
8 covering the scope, character and timing of the announce-
9 ment of the understanding and of at least the definite
10 substance thereof.

¹¹ "Foreign Relations II, pp. 451-454."

(Annex 2)

1 "ANNEX AND SUPPLEMENT ON THE PART OF THE GOVERNMENT
2 OF THE UNITED STATES

3 "III. The attitudes of both Governments toward the
4 European war.

5 "The position of the Government of the
6 United States toward the military movement of con-
7 quest inaugurated by Mr. Hitler is set forth in a
8 public address made by the Secretary of State on
9 April 24, 1941. Some extracts which are directly
10 in point and which are basic in relation to the en-
11 tire situation are as follows:

12 " ..As waged by them (the aggressor powers
13 this is not an ordinary war. It is a war of
14 assault by these would-be conquerors, employ-
15 ing every method of barbarism, upon nations
16 which cling to their right to live in freedom
17 and which are resisting in self-defense.....
18 Such is the movement which is extending
19 rapidly throughout the world.

20 "If experience shows anything, it shows
21 that no nation anywhere has the slightest
22 reason to feel that it will be exempted from
23 attack by the invader, any more than, in a
24 town overrun by bandits, the wealthiest citi-
25 zen might expect to be free from attack."

1 "!..Every thinking man can answer the ques-
2 tion for himself by simply calling the roll of
3 the wretched victims of world aggression who
4 are now in a condition of semi-slavery, and
5 whose every hope of again enjoying the bless-
6 ings of civilization depends only on the defeat
7 or failure of the movement of conquest. So it
8 is in Austria, Czechoslovakia, Poland, Norway,
9 Denmark, Holland, Belgium, Albania, Luxemburg,
10 France, Rumania, Hungary, Bulgaria, Yugoslavia."

11 I hear the question being propounded by a
12 counsel as to what this has to do with it. I want
13 to make it clear that this is a part of the state-
14 ment that was handed to the Japanese Ambassador. It
15 is an integral part of the document.

16 "!..The conclusion is plain. Now, after
17 some fifteen nations have lost everything that makes
18 life worth living, it is high time that the remain-
19 ing free countries should arm to the fullest extent
20 and in the briefest time humanly possible and set
21 for their self-preservation.

22 "!..Events have shown beyond possible ques-
23 tion that the safety of this hemisphere and of this
24 country calls for resistance wherever resistance will
25 be most effective...This policy means, in practical

1 application, that...aid must reach its destina-
2 tion in the shortest of time and in the maximum
3 quantity. So--ways must be found to do this.

4 "!..Those nations that are making resis-
5 tance are primarily seeking to save themselves,
6 their homes and their liberties. Great Britain
7 for instance is acting primarily for her own
8 safety. The United States both in its direct
9 defense effort and in the aid which it extends
10 to the resisting nations is likewise acting
11 primarily for its own safety. As safety for
12 the nations that are offering resistance means
13 security for us, aid to them is an essential
14 part of our own defense. Every new conquest
15 makes available to the aggressor greater re-
16 sources for use against the remaining free
17 peoples. Our aid to the resisting nations is
18 not the mere crusading of a world benefactor.
19 It is based on the definite knowledge that every
20 free nation anywhere is a bastion of strength
21 to all the remaining free peoples everywhere.

22 "!..Those Americans who, in effect, are
23 saying that a British defeat would not matter
24 to us, signally overlook the fact that the re-
25 sulting delivery of the high seas to the invader
would create colossal danger to our own national

1 defense and security. The breadth of the sea
2 may give us a little time. It does not give us
3 safety. Safety can only come from our ability,
4 in conjunction with other peace-loving nations,
5 to prevent any aggressor from attaining control
6 of the high seas.

7 "'.Some among us, doubtless with the best
8 of intentions, still contend that our country
9 need not resist until armed forces of an in-
10 vader shall have crossed the boundary line of
11 this hemisphere. But this merely means that
12 there would be no resistance by the hemisphere,
13 including the United States, until the invading
14 countries had acquired complete control of the
15 other four continents and of the high seas,
16 and thus had obtained every possible strategic
17 advantage, reducing us to the corresponding
18 disadvantage of a severely handicapped defense.
19 This is an utterly shortsighted and extremely
20 dangerous view.'

21 "The foregoing statements make it clear
22 that the attitude of the Government of the United
23 States is one of resolve to take measures of self-
24 defense in resistance to a movement, which, as has
25 been made unequivocally clear by the acts and utter-
ances of Hitler, is directed to world conquest by

1 force from which no country and no area are excepted.
2 This attitude is based upon a most fundamental con-
3 sideration--that of the inalienable right of self-
4 defense. The only other attitude this Government
5 could assume would be the suicidal attitude of some
6 fifteen countries in Europe which also were told,
7 as our country is being told, that they would not
8 be molested but that if they should undertake to
9 resist beyond their own boundaries they would be
10 charged with being aggressors and with having as-
11 sumed the offensive. A similar course by this
12 nation from the standpoint of effective defense
13 against the Hitler movement of world conquest would
14 be absurd, futile and suicidal from the standpoint
15 of reasonable precautions for its safety.

16 "In the light of the existing situation,
17 Hitler is the one person who can promptly remove
18 the necessity for efforts at effective self-defense
19 by this country and other countries similarly situa-
20 ted, whereas for any other nation to request that
21 the United States desist from any such resistance
22 would in its actual effect range the country making
23 such request on the side of Hitler and his movement
24 of aggression by force. Hitler is therefore the
25 person who should be addressed in support of peace,
rather than those whom he is attacking for the pur-

1 pose of bringing about their complete subjugation
2 without color of law, or of right, or of humanity.

3 "!Yes, it makes a difference who wins--
4 the difference whether we stand with our backs
5 to the wall with the other four continents
6 against us and the high seas lost, alone de-
7 fending the last free territories on earth--
8 or whether we keep our place in an orderly
9 world.'

10 "Foreign Relations II, pp.
11 446-451."

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1 We offer in evidence with the permission of
2 the Court, IPS document 220-C(31) from exhibit for
3 identification 58, Volume II. This is an informal,
4 oral statement handed to NOMURA by Secretary of State,
5 31 May 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 220-C(31) will receive exhibit No. 1080.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1080, and was received in evidence.)

12 MR. KEENAN: (Reading) "American Informal and
13 Unofficial Oral Statement Handed to the Japanese
14 Ambassador (NOMURA) on May 31, 1941.

15 "The Government of the United States will at
16 some appropriate stage prior to any definitive discus-
17 sion talk over in strict confidence with the Chinese
18 Government the general subject matter involved in the
19 discussions, especially as it relates to China.
20

21 "Foreign Relations, II, page 454."

22 We offer in evidence IPS document 220-C(32)
23 from exhibit for identification 58, Volume II, which
24 is an excerpt from memorandum of Secretary of State
25 Hull, dated June 2, 1941.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document

1 No. 220-C(32) will receive exhibit No. 1081.

2 (Whereupon, the document above
3 referred to was marked prosecution's exhibit
4 No. 1081, and was received in evidence.)

5 MR. KEENAN: (Reading)

6 "MEMORANDUM BY THE SECRETARY OF STATE

7 "Excerpts

8 "June 2, 1941.

9 "The Ambassador of Japan came to my hotel
10 apartment at his request.

11 "I then very slowly and deliberately asked
12 the Ambassador whether it was his considered judgment
13 that his Government seriously and earnestly desired
14 to enter into a settlement, for peace and non-
15 discriminatory commercial relations and friendship
16 generally in the Pacific area. He promptly replied
17 that that was his judgment. I remarked that, in the
18 light of the loud statements which MATSUOKA and others
19 were daily making, the question which I propounded
20 was sharply raised, and that one was forced back to
21 the inquiry of whether Japan really is seeking this
22 sort of settlement, or whether she is only seeking
23 a way to get out of China, to the principles which would
24 have to underlie a settlement establishing peace--
25

1 THE PRESIDENT: You left a line out.

2 MR. KEENAN: (Continuing)

3 --"seeking a way to get out of China,
4 and otherwise to go forward with methods and practices
5 entirely contrary to the principles which would have
6 to underlie a settlement establishing peace, non-
7 discriminatory commerce and fair friendly relations
8 in the Pacific area. The Ambassador reiterated his
9 view that an earnest and fair settlement was desired.

10 "Foreign Relations II, pp. 454-455"

11 THE PRESIDENT: A line was omitted.

12 MR. KEENAN: I read it into evidence after
13 the Court corrected me. Which line is it?

14 THE PRESIDENT: I am not asking it to be
15 corrected twice, Mr. Chief of Counsel. Apparently
16 you did read the line.

17 MR. KEENAN: Thank you. I am grateful
18 to the Court for calling my attention to the omission.

19 We offer in evidence IPS document No. 219P-76
20 from exhibit for identification 58, Volume I. This is
21 an excerpt of a statement from Mr. Grew to MATSUOKA,
22 dated 4 June 1941.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 219P-76 will receive exhibit No. 1082.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1082 and received in evidence.)

MR. KEENAN: (Reading)

"THE AMERICAN AMBASSADOR IN JAPAN (GREW)
TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (MATSUOKA)

"No. 1817

"TOKYO, June 4, 1941

"EXCELLENCY: With reference to my note to

Your Excellency No. 1803 of May 22, 1941, concerning damage inflicted on properties of the Methodist Episcopal Mission at Chungking by Japanese aircraft on May 9 and May 10, 1941, I have the honor to inform Your Excellency that properties of the same Mission at Chungking were again seriously damaged by Japanese aerial bombardment on June 1, 1941.

"According to information received from the American Embassy at Chungking, a section of the hospital of the Mission at Tai Chishang, in the center of the city, was badly damaged by a direct hit. A second bomb damaged the compound wall, and the home of an American missionary received damage from stones through the roof. This property has been damaged on at least four previous occasions.

"In addition, the newly built Lewis Memorial

1 Institutional Church of the same Mission, located
2 at a distance of about seven hundred yards from the
3 hospital mentioned above, was completely wrecked by
4 a direct hit. This property has likewise been
5 damaged on at least four previous occasions.

6 "Foreign Relations I, p, 714"

7 Prosecution offers in evidence IPS document
8 220C-33 taken from exhibit for identification 58,
9 Volume II. This is an excerpt from memo. of a conversa-
10 tion between Secretary of State and Japanese Ambassador,
11 dated June 4, 1941.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 220C-33 will receive exhibit No. 1083.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1083 and received in evidence.)

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1 MR. HARDIN: (Reading)

2 "MEMORANDUM OF A CONVERSATION

3 "("Washington) June 4, 1941

4 "ANNEX AND SUPPLEMENT ON THE PART OF THE GOVERNMENT
5 OF THE UNITED STATES

6 "III. The attitudes of both Governments toward the
7 European war.

8 "The Government of the United States de-
9 clares that, so far as its attitude toward the
10 European war is concerned, it does not and will
11 not resort to any aggression aimed to assist any
12 one nation against another.

13 "Colonel I"AKURO said that the Japanese
14 would be quite prepared to drop the foregoing sup-
15 gestion if we on our part would be prepared to drop
16 our proposed sentence in the first paragraph reading,
17 'Obviously, the provisions of the Pact do not apply
18 to involvement through acts of self-defense.'

19 "Mr. "AKASUGI said that they desired to
20 have inserted at the beginning of Section II a new
21 paragraph reading as follows:

22 "'It being the common aim of both
23 Governments of Japan and the United States to
24 establish world peace, they will join forces with a
25 view to preventing the extension of the European war'

1 and restoring peace.'

2 "Mr. Hamilton raised for consideration
3 the question of whether the idea underlying the
4 proposed paragraph could not be incorporated in
5 the first section. He pointed out that an express
6 reference of this kind under Section II, which deals
7 with the attitude of the two countries to the Euro-
8 pean war, might be regarded as inconsistent with the
9 President's declared attitude in regard to the
10 question of a present American effort to bring about
11 peace in Europe. He suggested also for consideration
12 whether it might not serve the purpose desired to
13 change the word 'our' to 'all' in the first para-
14 graph of Section I, which in our draft reads as
15 follows:

16 "Both Governments affirm that their
17 national policies are directed to (toward) the
18 foundation of a lasting peace and the inauguration
19 of a new era of reciprocal confidence and cooperation
20 among our peoples.'

21 "Mr. WAKASUGI said that they would leave
22 this point for further consideration and that we
23 might also consider whether the words could not be
24 incorporated in some other section or in a section by
25 itself."

1 "With reference to Section III, Mr. WAKASUGI
2 proposed an entirely different formula. The formula
3 in our draft and the formula he proposed are shown
4 in parallel columns as follows:

5 "FORMULA IN OUR DRAFT OF MAY 31

6 "The Japanese Government having communicated
7 to the Government of the United States the general
8 terms within the framework of which the Japanese
9 Government will propose the negotiation of a peaceful
10 settlement with the Chinese Government, which terms
11 are declared by the Japanese Government to be in
12 harmony with the KONOYE Principles regarding neighborly
13 friendship and mutual respect of sovereignty and
14 territories and with the practical application of
15 those principles, the President of the United States
16 will suggest to the Government of China that the
17 Government of China and the Government of Japan enter
18 into a negotiation on a basis mutually advantageous
19 and acceptable for a termination of hostilities and
20 resumption of peaceful relations.

21 "FORMULA PROPOSED BY JAPANESE

22 "The President of the United States will
23 suggest to the Government of Chiang Kai-shek that it
24 will enter as soon as possible into a negotiation with
25 Japan on the basis of the KONOYE three principles and

1 the practical application of these principles for a
2 termination of hostilities and the resumption of
3 peaceful relations.

4 "The reason adduced by Mr. IWAKASUGI for
5 this change was that it was desired to avoid giving
6 any impression to the Japanese people that there was
7 involved any question of an American mediation between
8 China and Japan.

9 "The Japanese then offered an alternative
10 formula, concerning which they wished to make reser-
11 vations on minor points, reading as follows:

12 "'The Government of Japan having announced
13 the general terms within the framework of which the
14 Government of Japan will propose the negotiation of
15 a peaceful settlement of the China conflict, which
16 terms are declared by the Government of Japan to be
17 in harmony with the KONOYE principles and with the
18 practical application of those principles, the Pres-
19 ident of the United States, relying upon the policy
20 of neighborly friendship with China, will suggest to
21 the Chinese Government at Chungking that that Govern-
22 ment and the Government of Japan enter into a negotia-
23 tion for a termination of hostilities and resumption
24 of peaceful relations.'

"Mr. Hamilton then asked Colonel IWAKURO

whether it was his conception that upon the conclusion
of this agreement it would be the Wang Ching-wei
1 regime or the Government at Chungking which would
2 constitute the Government of China.

3 "Colonel IWAKURO said that the Japanese
4 now recognized the "Wang Ching-Wei regime as the
5 Government of China and regarded the Government at
6 Chungking as a local regime. The proposed under-
7 standing contemplated negotiations by the Japanese
8 Government with Chungking. As regards the outcome of
9 the negotiations, there were three possibilities,
10 which he charted on a piece of paper, attached:

- 11 (a) that the Chungking Government might become
12 absorbed into the Nanking Government of Wang Ching-Wei,
13 (b) that the Nanking Government of Wang Ching-Wei
14 might become absorbed into the Chungking Government,
15 and (c) that both the Nanking Government and the
16 Chungking Government might be coalesced into a new
17 government. The Japanese Government proposed to leave
18 this matter to be decided by the Chinese themselves.
19

20 "Mr. WAKASUGI then offered an amended annex
21 on the part of the Japanese Government in connection
22 with Section III. The formulae in the draft of May
23 31 and in the Japanese redraft are shown in parallel
24 columns:
25

1 "FORMULA IN OUR DRAFT OF MAY 31

2 "The basic terms as referred to in the
3 above section are as follows:

4 "1. Neighborly friendship.

5 "2. (Cooperative defense against injurious
6 communistic activities--including the stationing of
7 Japanese troops in Chinese territory.) Subject to
8 further discussion.

9 "3. Economic cooperation--by which China
10 and Japan will proceed on the basis of non-discrimina-
11 tion in international commercial relations.

12 "4. Mutual respect of sovereignty and
13 territories.

14 "5. Mutual respect for the inherent
15 characteristics of each nation cooperating as good
16 neighbors and forming a Far Eastern nucleus contrib-
17 uting to world peace.

18 "6. Withdrawal of Japanese military and
19 naval forces from Chinese territory and Chinese
20 waters as promptly as possible and in accordance with
21 an agreement to be concluded between Japan and China.

22 "7. No annexation.

23 "8. No indemnities.

24 "9. Amicable negotiation in regard to
25 'Manchoukuo.'

1 "FORMULA PROPOSED BY JAPANESE

2 "The basic terms as implied in the KONOYE
3 three principles and the practical application of
4 those principles are as follows:

5 "1. Neighborly friendship.

6 "2. Cooperative defense against communistic
7 activities--including the stationing of Japanese
8 troops in the Inner Mongolia and certain areas of the
9 North China.

10 "3. Economic cooperation.

11 "4. Mutual respect of sovereignty and
12 territories.

13 "5. Mutual respect for the inherent
14 characteristics of each nation cooperating as good
15 neighbors and forming an Eastern Asia nucleus con-
16 tributing to world peace.

17 "6. Withdrawal of Japanese troops from
18 Chinese territory in accordance with agreement be-
19 tween Japan and China.

20 "7. No annexation.

21 "8. No indemnities.

22 "9. Recognition of 'Manchoukuo.'

23 "Mr. AKASUGI explained that, with refer-
24 ence to caption three of the foregoing annex, the
25 Japanese did not wish to expand the wording in the

caption beyond the mere statement 'economic cooperation,' as they wished to leave the matter to be dealt with by negotiations between Japan and China.

Mr. Hamilton observed that in the Japanese Oral Explanation of May 12 this point had been expanded by the statement 'by which Japan does not intend to exercise economic monopoly in China nor to demand of China a limitation in the interests of Third powers and that we had substituted the phraseology 'by which China and Japan will proceed on the basis of non-discrimination in international commercial relations' in the interest of clarity. Mr. Hamilton here emphasized the importance which this Government attached to the application of the principle of non-discrimination in international commercial relations.

"Mr. Hamilton noted that in caption six where we had suggested the wording 'military and naval forces' the Japanese in their new draft had restored the term 'troops.' He asked whether it was not intended by Japan to withdraw their naval forces.

Colonel IWAKURO said that in normal international intercourse war vessels visited ports of other countries, and, moreover, at Shanghai foreign powers, including the United States, normally maintained marines or corresponding naval units. They had used the English

1 word 'troops' as translation of the Japanese term
2 'guntai' which was not restricted to army forces.

3 He said that it was Japan's clear intention to
4 withdraw all armed forces whether of the army or
5 the navy engaged in the present hostilities, and he
6 had no objection to the use of the term 'armed
7 forces' if that would cover better what was meant.

8 He added that it was his understanding that 'Chinese
9 Territory' included Chinese territorial waters.

10 "Mr. Hamilton said that we would take note
11 of all the points made in connection with Section III
12 and the annex pertaining thereto.

13 "Mr. WAKASUGI said that the Japanese had
14 no changes to offer with respect to the text of
15 Section IV, but that they desired the withdrawal of
16 our annex relating to restrictions upon trade during
17 the present international emergency. He stated that
18 such an annex would weaken the force of the stipula-
19 tion in Section IV. He said that they thought that
20 the word 'available' in Section IV would cover what
21 we had in mind. Mr. Hamilton said that we would make
22 note of the point.

23 "Mr. WAKASUGI said that they wished to offer
24 an alternative wording for Section V. The formulae
25 of our draft of May 31 and of the Japanese alternative

1 draft are shown in parallel columns, as follows:

2 "FORMULA IN OUR DRAFT OF MAY 31

3 "V. Economic activity of both nations
4 in the Pacific area.

5 "On the basis of mutual pledges hereby
6 given that Japanese activity and American activity
7 in the Pacific area shall be carried on by peaceful
8 means and in conformity with the principle of non-
9 discrimination in international commercial relations,
10 the Japanese Government and the Government of the
11 United States agree to cooperate each with the
12 other toward obtaining non-discriminatory access by
13 Japan and by the United States to commercial supplies
14 of natural resources (such as oil, rubber, tin,
15 nickel,) which each country needs for the safeguarding
16 and development of its own economy.

17 "FORMULA PROPOSED BY JAPANESE

18 "V. Economic activity of both nations in
19 the Southwestern Pacific area.

20 "Noting that Japanese expansion in the
21 direction of the Southwestern Pacific area is declared
22 to be of peaceful nature. American cooperation and
23 support shall be given in the production and procure-
24 ment of natural resources (such as oil, rubber, tin,
25 nickel) which Japan needs."

1 "Asked what were the reasons for the
2 proposed changes, Colonel IWAKURO explained that
3 Japan had no suspicion that the United States would
4 engage in activities other than peaceful in the ~~object~~
5 Southwest Pacific area, and he felt that the United
6 States should accept Japanese declarations in regard
7 to the peaceful character of their aims. The reason
8 for restricting the application of this section to
9 the Southwestern Pacific area, which we had broadened
10 to include the whole Pacific area, was that it was
11 the Japanese desire to devote this section specifically
12 to the Southwestern Pacific area on account of the
13 special interest which the Japanese people had
14 developed therein.

15 "He pointed out that Section VI covered
16 the whole Pacific area. Mr. Hamilton raised the
17 question whether the pledge in regard to peace might
18 be incorporated in Section VI, retaining, however,
19 in Section V a statement pledging both countries to
20 the application of non-discrimination in international
21 commercial relations. He emphasized the importance
22 which this Government attached to such statements.
23 He pointed out in reference to commercial relations
24 that in an earlier draft we had proposed the wording
25 'on the basis of equality of opportunity'; that the

1 Japanese had objected to that phraseology on the
2 ground that Japanese had no clear concept of the
3 implications of the term; and that, as we had been
4 given to understand that the Japanese would not object
5 if we used phraseology contained in a recent speech
6 by the Secretary, we had in our draft of May 31
7 substituted such phraseology. Mr. Hamilton said that
8 we would make note of the question of a possible
9 change in the draft.

10 "With reference to Section VI, Mr. WAKASUGI
11 offered an alternate draft, which includes an addi-
12 tional paragraph. The formulae of our draft of May 31
13 and of the Japanese alternative draft are shown in
14 parallel columns, as follows:

15 "FORMULA IN OUR DRAFT OF MAY 31

16 "The Japanese Government and the Government
17 of the United States declare that the controlling
18 policy underlying this understanding is peace in the
19 Pacific area; that it is their fundamental purpose,
20 through cooperative effort, to contribute to the
21 maintenance and the preservation of peace in the
22 Pacific area; and that neither has territorial designs
23 in the area mentioned.

24 "FORMULA PROPOSED BY JAPANESE

25 "The Japanese Government and the Government

1 of the United States declare that it is their
2 fundamental purpose, through cooperative effort,
3 to contribute to the maintenance and the preservation
4 of peace in the Pacific area; and that neither has
5 territorial designs in the area mentioned.

6 "The Government of Japan declares that it
7 has no intention to establish military bases within
8 the area of the Western Hemisphere nor to entertain
9 any political designs therein. Similarly, the
10 Government of the United States declares that it has
11 no intention to establish military bases in East
12 Asia or in the Southwestern Pacific area; nor to
13 entertain any political designs therein. The Govern-
14 ment of Japan and the United States mutually recognize
15 the defensive position each maintains respectively in
16 the East Asia area and in the "estern Hemisphere.
17

18 "Their objections to the wording of our
19 draft were that they thought the phraseology somewhat
20 redundant and that they did not understand what we
21 meant by the word 'controlling'. They indicated a
22 willingness to accept the word 'basic' for 'controlling'
23 after Mr. Hamilton had endeavored to explain. There
24 was no discussion of the second paragraph other than
25 a statement by the Japanese that they would be willing
to have the contents embodied in an annex. Mr. Hamilton

1 said that we would take note of the proposal.
2

3 "Mr. WAKASUGI said that they desired to
4 offer no changes with respect to Section VII, but
5 they desired the inclusion of an annex on the part
6 of the Government of Japan reading as follows:
7

8 "ANNEX AND SUPPLEMENT ON THE PART OF
9 THE JAPANESE GOVERNMENT

10 "VII. Neutralization of the Philippine Islands.
11

12 "The Government of the United States will
13 accord in the Philippine Islands to the Japanese
14 subjects a non-discriminatory treatment.
15

16 "Mr. MATSUDAIRA said that what they had
17 in mind in this point was to provide for non-discrim-
18 ination in matters both of Japanese immigration and
19 establishment. Mr. Hamilton observed that the quota
20 system in the Philippine Immigration Law was on a
21 non-discriminatory basis. Mr. MATSUDAIRA admitted
22 this, but indicated a desire for a larger quota.
23

24 "There was no further discussion. Mr.
25 Hamilton said that we would report to the Secretary
and it was agreed that Mr. MATSUDAIRA and Mr. Ballan-
tine would keep in touch as to the next step.

"Foreign Relations II, pp. 458-464."

We offer in evidence IPS document No.
1632^m (51), which is an entry in KIDO's Diary of

1 June 6, 1941.

2 THE PRESIDENT: Admitted on the usual
3 terms.

4 CLERK OF THE COURT: Prosecution's docu-
5 ment No. 1632^w (51) will receive exhibit No. 1084.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1084 and received in evidence.)

9 MR. HARDIN: (Reading)

10 "Extract from Entry from Marquis KIDO's
11 Diary, 6 June 1941.

12 "At 9:00 a.m. Prince KONOYE telephoned
13 me to say that Ambassador OSHIMA had an interview
14 with Hitler at Berchtesgaden and that Germany had at
15 last decided to attack Russia. Hitler had intimated
16 his desire for Japan's participation in this war
17 against Russia, though he did not say so. Prince
18 KONOYE also said that the Liaison Conference in
19 this connection would be held this morning, and he
20 asked me to report this fact to the Throne. I pro-
21 ceeded to the Palace in response to a summons from
22 His Majesty, and was received in audience from 10:20
23 a.m. to 11:05 a.m. His Majesty discussed at full
24 length the matter mentioned above during the whole
25 period. I had a talk with the Chief Aid-de-Camp at

1 11:10 a.m. and asked him to keep in close touch with
2 me with regard to the same. Premier KONOYE made
3 Mr. HOSOKAWA, Secretary to the Premier, bring the
4 telegram of Ambassador OSHIMA to me, and he asked me
5 to study it. I read it and returned it. I was
6 granted an audience with the Emperor from 1:10 p.m.
7 to 1:30 p.m. to report on the substance of the
8 telegram. Foreign Minister MATSUOKA proceeded to
9 the Palace, and was received in audience by the
10 Emperor to report on the recognition of Croatia and
11 on the telegram from Ambassador OSHIMA. Foreign
12 Minister MATSUOKA intimated to me his opinion as to
13 the future outlook of the relations between the
14 Soviet and Germany. According to his opinion as
15 regards the German-Soviet relations, the conclusion
16 of an agreement was sixty percent possible and the out-
17 break of war forty percent in spite of Ambassador
18 OSHIMA's observations. I had a visit from MITSUDAIRA,
19 Minister of the Imperial Household Department at 2:10
20 p.m., and he informed me of such matters as the visit
21 to Japan of Wang Ching-Wei and the circumstances
22 concerning the change of the Lord Chamberlain. At three
23 in the afternoon the Chief Aide-de-Camp informed me
24 of the opinion of the War Minister concerning relations
25 between the Soviet and Germany, which confirmed the

opinion of the Foreign Minister, which was that the outbreak of war was not so imminent as Ambassador OSHIMA expected."

11 M. HABIBI (Reading)

15 | Page

16 "From such study as it has so far been
17 possible to make of the revisions which the association
18 of the Japanese Ambassador offered on June 4 it is
19 disappointing to note a vast difference between the
20 proposal as it now stands with those revisions and the
21 original document on which earlier discussions were
22 based. The successive Japanese revisions appear to
23 have gradually narrowed down the extent of the revision
24 in the direction of a liberal policy and to have
25 carried the proposal away from the standpoints which

1 We tender in evidence IPS document 220C-34
2 from exhibit for identification 58, Volume II.
3 This is excerpt of informal statement handed by
4 Secretary of State Hull to NOMURA, June 6, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 220C-34 will receive exhibit No. 1085.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1085 and received in evidence.)

11 MR. HARDIN: (Reading)

12 "INFORMAL AND UNOFFICIAL ORAL STATEMENT
13 HANDED BY THE SECRETARY OF STATE TO THE JAPANESE
14 AMBASSADOR (NOMURA) ON JUNE 6, 1941

15 "Excerpts

16 "From such study as it has so far been
17 possible to make of the revisions which the associates
18 of the Japanese Ambassador offered on June 4 it is
19 disappointing to note a vast difference between the
20 proposal as it now stands with these revisions and the
21 original document on which earlier discussions were
22 based. The successive Japanese revisions appear to
23 have gradually narrowed down the extent of the advances
24 in the direction of a liberal policy and to have
25 carried the proposal away from the fundamental points

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which the Government of the United States considers
are involved in establishing and preserving peaceful
conditions in the Pacific area. The impression that the
Secretary of State derives from the proposed revisions
as a whole and from recent manifestations of the
Japanese Government's attitude is that they evince
a disposition (1) to stress Japan's alignment with
the Axis, (2) to avoid giving a clear indication of
an intention to place Japan's relations with China
on a basis which in the opinion of the Government of
the United States would contribute to a lasting
peace and thus to future stability in the Far East,
and (3) to veer away from clear-cut commitments in
regard to policies of peace and of non-discriminatory
treatment which are the fundamentals of a sound
basis for peace in the Pacific area. As the Secretary
of State has indicated, this Government has not wished
to take an initiative in commenting upon the merits
of the proposed peace terms between Japan and China;
comment has been offered upon this matter because
under the proposed understanding this Government would
be expected to take some action with regard to these
terms.

24 "Foreign Relations II, pp 467-468"
25 THE PRESIDENT: We will adjourn until

1 half past nine tomorrow morning.

2 (Whereupon, at 1600, an adjournment
3 was taken until Friday, 8 November 1946, at
4 0930.) - - - -

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